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THE NATION

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COAL and STEEL

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Mike Yarrow

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U.S. JUDGES: THE CASE FOR POLITICS
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EDITORIALS

Resentment Deep as the Mines

Plains, Ga. is really not that far from Appalachia. It may be more than just down the road a piece, but it is not a continent away. The people who make their living from the rich, red clay soil around Plains are from the same stock as those who live in the twisting hollows of the Appalachian Mountains and earn their hard livelihoods digging the coal that lies beneath them, sometimes near the surface, sometimes deep within.

So it is surprising that President Carter has shown so little understanding or sympathy, so little feel for his neighbors in Appalachia during the developing crisis in the coal fields. The crisis is not, as he has treated it, primarily one about labor relations. It is about how hundreds of thousands of Southern Americans live and how the breadwinners of those families work and suffer at their dangerous jobs.

It is all the more surprising that Carter has shown so little comprehension of the human factors involved there because the present crisis was entirely predictable. In fact, it was partly of the President's own making when he urgently stated a year ago that this country must rapidly double its production of coal. The objective facts of the energy shortage and our growing dependence on unreliable foreign oil suppliers lay back of Carter's crisis declaration. But the fact is, that when he declared it, he must have known that labor and industry in the coal business were headed for confrontation and that labor was in a bad state of disorganization which the over-organized (read monopolistic) industry was eager to take advantage of for its own ends.

Even before the miners walked out, the coal strike was clearly not an ordinary labor-management dispute. It is, in fact, a social crisis of the first order, one that involves the way the economy is organized and how the people who do the work are to be treated. Stress showed long ago at every point where management and labor met, not just within the ranks of the workers, and the history of their relations was bad and heavy with omens of worse to come.

And yet Carter dealt with it as if the situation were routine. No word came from the White House to persuade the coal operators that this was not the ideal time to apply pressure on the miners for work-force "discipline" (which meant no autonomy for local unions even on matters of safety in individual mines). "Productivity" was the owners' watchword and the administration used the same language in the interest of "national security."

The miners' reaction of despair to the cumbersome and sometimes corrupt workings of the grievance system was regularly branded with the term "wildcat," that snarling pejorative. It would not do to call these miners' tactics anything like "local control of working conditions." And the White House, keeping its hands off and clean, piously expressed its faith in "the collective bargaining system." Then the whole thing broke down. The miners had no trust in any system they did not directly control, no faith in their own union's national leadership and no confidence in their national government as an impartial force.

"Appalachia has been a national sacrifice area long enough . . . an energy colony for a century. . . . The price of coal today reflects the fact that coal producers, government agencies, and coal consumers are willing to tolerate 14,000 injuries, 140 work-place deaths, 4,000 Black Lung deaths a year. To double coal production means to execute eighty more miners a year, to injure 8,000 more, and to inflict Black Lung on countless thousands, according to estimates by the National Institute for Occupational Safety and Health."

Those harsh words come from a pamphlet by the Appalachian Alliance, a recently formed group that is radical in its analysis, if not in its politics. The facts as stated by the alliance can hardly be questioned; the question is, what to do about them. What can be done about the fact that in the "top sixteen coal-producing counties in central Appalachia, nearly three-quarters of those persons 25 years and older have not finished high school"? What to do about the fact that Appalachia's workers "suffer death and disability at more than three times the national average"? What is to be done about the fact that "half to three-fourths of the land area in Central Appalachia is owned by out-of-region corporations" and that in Mingo County, West Virginia, for instance, with more than 80 percent of the land owned by absentee corporations, the population is "compressed into 1.1 percent of the county's land, an average of nearly 7,000 persons per square mile" (in "rural" Appalachia)? And what should be done about dreadful housing, polluted water supply, lack of sewerage, floods due to strip mining, roads ruined by coal trucks, and per capita expenditures of $272 for basic public services (schools, roads, health care, sanitation) which compares to the $510 spent on those services in the average county of the United States?

The answers to these questions about the hard life in the nation's coal fields must be national ones. The "private sector" on which President Carter still wholly relies has totally failed. The Appalachian Regional Commission set up in 1964, which includes establishment representatives from thirteen states running from New York to Alabama, is so diffuse that it has accomplished almost nothing (its present Washington representative, incredibly, is a former aide to New York's Governor Carey). If ever a situation called for grass-roots organization applying pressure on Washington, as against bureaucratic dictation from above, it is that of Appalachia.

The people in the coal fields do not need to be told that they have been abandoned by the powers that run

Carey McWilliams to Be Honored

Carey McWilliams, editor of *The Nation* for twenty-four years until his retirement at the end of 1975, will be given a Special George Polk Award as "an exemplar of integrity throughout his long career," at the annual George Polk Awards luncheon at the Hotel Roosevelt in New York, March 15.

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this country. They see the evidence all around them every day of their lives. And when the miners are offered a contract punishing them if they lack "discipline," and when they see a President asking them for doubled production, not seeming to care how they live, it is no wonder that they turn their backs on the national purpose. No matter the nature of the short-term settlement of the immediate crisis in coal, the miners of Appalachia will stay in that sullen posture for as long as their country, represented by its President, remains indifferent to their real concerns.

Perhaps Mingo County, West Virginia and Carter's Sumter County, Georgia, really are a world apart.

Haldeman's Strange Bedfellow

The worst is yet to come. Books by Nixon and Kissinger are on the assembly lines, due respectively in May and sometime in 1979. These rich (for their "authors" and ghosts) troves of cooked memories, self-justification and intra-gang sniping will be unloaded on us before we can recover from the awful vulgarities of Haldeman.

The public has only one adequate defense against these attacks on reason, taste and the real history of the Nixon years—it need not buy these books. Even then it will not be spared the information and disinformation in these lucrative memoirs, unless it imitates the see no evil/hear no evil monkeys, keeping eyes and ears covered. The stuff will still be spread before them by every means at the command of the publishers' slickest flacks.

Haldeman, of course, is a certified liar, known by all to have twisted and distorted the facts of Watergate when he did not invent his versions of them. If he knows the truth, it is only a bowing acquaintance, and he seems not bothered by the fact that he lied most assiduously when under oath. His ghostwriter, a certain DiMona, who will share 50-50 in the proceeds from the curiously titled *The Ends of Power*, told *The Washington Post* (February 15) that his collaborator has such "integrity" that "I'd trust him with every cent I have."

It is not yet clear how many cents might be at stake for DiMona, but first-serial rights for newspaper publication in this country are said to have brought in $1 million, West German papers have coughed up $250,000, and much more gelt lies scattered down the trail. The reading public is supposed to expect a certain drama when the Nixon crew turn on one another, each hoping to rend his ancient comrades to bits and perhaps even to look good enough to "make it" in some future career. But what will be lacking from this whole corpus will be that essential element of drama, verisimilitude. They were con men when they were in power, with absolutely no regard for the truth. Now in the shade, they swing their hatchets at one another with an equal contempt for it.

Greed, of course, runs all through this production, and that brings us to the door of *The New York Times*. That venerable institution, once a newspaper, is now a conglomerate which also produces a newspaper. Its book-publishing arm is Haldeman's publisher; its syndicating appendage is the sales agent for prepublication rights to his book. The newspaper itself was just one of some forty buyers of the Haldeman excerpts. The trouble is

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that, for sales purposes, the name *The New York Times* is attached to all these affiliates, subdivisions or whatever, with the result that the Haldeman "literary package" casts a shadow on the respectability of the whole enterprise known as The New York Times Company. Hence the squirming in the ranks.

The *Times*'s managing editor tried to put a certain distance between the newspaper and the Haldeman caper (the word is irresistible) by saying that *The New York Times* bought serial rights to the book published by Times Books from The New York Times Syndication Corporation—an "affiliate," he was careful to say, of The New York Times Company. It was bought by the newspaper, he said, because "we determined that there was a certain amount of news material."

There might have been less squirming had *The Washington Post*, a rival in prestige to the *Times* newspaper, not cheekily got hold of most of the closely guarded Haldeman book and run a long story on it in its editions of February 16, which "Upset Plans of Others to Publish Excerpts Next Week," as the *Times* headline stated, or complained, the next day. The syndicating corporate "affiliate" of *The New York Times* sprang the Haldeman excerpts for immediate release after the *Post* had spoiled the game by simply treating the Haldeman opus as news, not an exploitable property.

On the substance, so to speak, of Haldeman's "Ends" (aims? limits?—it's not clear which he had in mind), there is little to say. Nixon was a diplomatic genius, but had personal "flaws." Kissinger was a conniving and dubious character; Colson, the "hit man," eagerly executed the designs of Nixon's dark side; General Haig was an anti-Semite; Haldeman would do it all again, if given half a chance, etc., etc. The picture Haldeman unconsciously presents of himself as Nixon's chief of staff is of an ignorant martinet controlling the traffic of papers whose content was always beyond his grasp, a man completely unqualified for the serious work of government.

His superior, President of the United States, relied on this man almost to the end. Then he dumped him in a futile effort to save his own skin and did it in such a way that at last the man turned on him after Nixon told his set of half-truths and lies about it all for a fortune in TV dollars. Until that moment Haldeman was all set to write a pro-Nixon book. He switched.

In all his guises H.R. Haldeman is a bad character, short of sense and without scruples. Representative of a particular Presidency, certainly, and perhaps of a longer bad period in our history, an era of shameless manipulation. We owe no thanks to *The New York Times* and its "affiliates" for helping Haldeman to profit from his disgrace while richly profiting itself. Can we hope to see a blush on the face of that "great gray" newspaper?

Action on Letelier's Murder

At last and at least the U.S. Government has taken action against the Chilean dictatorship in the matter of the Letelier-Moffitt assassination. It is now more than seventeen months since Orlando Letelier, a distinguished diplomat and scholar, was murdered, along with Ronni Karpen Moffitt, when the car in which they were riding was blown up a few blocks from the White House and a stone's throw from the Chilean Embassy. All signs pointed to a direct involvement at the highest level of the Pinochet regime, using Cuban exile thugs as its agents against an outspoken opponent of its cruel system. Now the U.S. Department of Justice, with State Department backing, has sent Chile's Government a "request for international judicial assistance" in its desire to interrogate two Chilean officers believed to be connected with the murders. If Pinochet does not oblige, extradition is the next step. "Human rights" still seems to have some force for the Carter administration when it involves a political murder on the Capital's streets.

U.S. Judges: The Case for Politics

Sanford Levinson

Among the campaign statements of candidate Carter that President Carter must especially rue is his pledge of June 19, 1976: "All federal judges and prosecutors should be appointed strictly on the basis of merit and without any consideration of political aspects or influence." The administration's handling of the Marston affair has seemingly made the statement "inoperative" regarding federal prosecutors. Now a bill, soon to emerge from Congress, that will authorize the President to appoint thirty-five new appellate judges and between 110 and 113 district judges will test the administration's resolve concerning the judiciary. This forthcoming statutorily mandated "packing" of the federal judiciary, which will increase the size of the third branch by just over 25 percent, raises fundamental questions about how we select our federal judges.

Ignoring his campaign pledge, one of Mr. Carter's first acts after election was to enter into an agreement with Senator Eastland, chairman of the Senate Judiciary Committee, that Democratic Senators could retain their prerogative, when a Democrat occupied the White House, of naming federal district judges. In return, the President was granted the political power, in addition to his existing (and less important) legal authority, to name members of the Circuit Courts of Appeals. Not all Senators are happy even with this arrangement: Sen. Robert Morgan (D., N.C.), for one, has in letters to constituents sharply indicated his displeasure at the removal of circuit court appointments from Senatorial control. Indeed, that displeasure is surely one of the reasons why the vacancy left by the untimely death last May of Fourth Circuit Court of Appeals Judge J. Braxton Craven of North Carolina is still unfilled.

Sanford Levinson, a lawyer, teaches in the Politics Department at Princeton University.

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Important as the appellate appointments are, the sheer number, and day-to-day impact, of district judges make them especially worth attention. The House version of the bill stipulates that none of the judges can be named until the President publishes "procedures and guidelines for the selection, on the basis of merit," and serious application of these guidelines would surely have their greatest effect on the district court appointments. Two questions can be asked: Who should do the de facto appointing? And what should be the criteria of selection?

Given the President's current troubles with Congress, there is no practical likelihood of his challenging Senatorial prerogative. But perhaps this is fortunate, for there are good grounds to believe that the present system of Senatorial control is desirable. There is merit in the fact that local district judges are in some sense the products of local political decisions. Judicial authority depends not only on incarnating some allegedly impersonal notions called "the rule of law," but also on knowledge that the men and women who are making legal judgments are themselves members of the affected communities. It is harder to complain that "faceless judges" have ordered controversial remedies in areas like school desegregation or industrial pollution when the judges in question have been esteemed members of the local community and endorsed by elected Senators.

Moreover, the Nixon years should continue to remind us of the problems implicit in centralized Presidential control of appointments. Indeed, one of the things for which we can be grateful is Richard Nixon's relative lack of interest in affecting local judicial appointments; he never seriously challenged the custom of Senatorial autonomy (of Republican and selected Democratic Senators) in the making of judicial appointments at the district court level. Thus, the very first decision of Nixon-appointed (though really Jacob Javits-selected) Judge Murray Gurfein in 1971 was to uphold the right of *The New York Times* to print the Pentagon Papers. Similarly, another "Nixon appointee" was Robert Carter, the former general counsel for the NAACP Legal Defense Fund (and again a New Yorker selected by Javits).

Carter and Bell may be better public servants than Nixon and Mitchell, but there is no reason to believe that they are *so* much better that we should seriously regret their failure to have full control over the district judge appointments. They surely have the duty to exercise a veto over any truly venal nominations by given Senators, and the administration should expect severe judgment in regard to the circuit court appointments over which they *do* have genuine control. But both political reality and theoretical desirability leave the district court appointments primarily in the hands of Senators. What then should be the criteria of selection?

Here one confronts the hoary rhetoric of "merit." Anyone defending meritocracy, whether concerning admissions to medical school or appointment to the federal bench, must always answer the question, meritorious in relation to what? "Merit" is in fact a *minimal* qualification, indicating only that the candidate must have a certain threshold level of intelligence and incorruptibility. It evaporates as a criterion once the minimum is achieved. No one can deny Justice Rehnquist's qualifications on a professional scale of "merit": he was first in his class at Stanford Law School, a Supreme Court clerk, experienced attorney and government official. Yet one might still believe that he is wholly unsuited for his job because of his dreadful political views, which include gross insensitivity to the lives lived by too many Americans.

If the debate over judicial selection is confined to the categories of "merit" versus "politics," then those of us concerned with the present course of the federal judiciary could win a pyrrhic victory indeed. Not only is the administration already using various judicial selection panels in choosing members of the appellate courts but an increasing number of Senators are also more than happy to put at least initial screening in the hands of local panels of civic worthies. One suspects that these Senators have learned Alben Barkley's dictum that choosing one victor from ten supplicants creates nine enemies and an ingrate, so that displacement of at least some power onto selection committees is a way of protecting against some of the resentment that would be present if the choice were seen as wholly their own.

Although the conventions of American legalism hinder recognition of judicial politics, there is no good reason to join in the continuing obfuscation of the political role of the judiciary by pretending that there are clear and unequivocal standards of "merit" independent of important political judgment. As Tocqueville pointed out more than 140 years ago, the judiciary is involved in the resolution of fundamental political issues; and accordingly, "politics," in the most important sense of that oft-abused term, must be taken into account in deciding whom to appoint to lifetime judicial office. Once the minimal criteria of "merit" are met, discussion of politics must be central.

Among the questions that might be asked of proposed judges are the following: (*1*) How much of their careers have been spent in criminal defense litigation? Increasingly, the only judges with any experience in criminal law at all are former prosecutors, state or federal. One does not impugn the integrity of such men (as yet no women fit this category) by being skeptical of their dedication to protecting important rights of criminal defendants. Prosecutors who have used wiretapping to fight organized crime are unlikely to be opponents of electronic surveillance when they get to the bench. (*2*) Are there any striking instances in their relatively recent careers when they stood forth in a lonely minority to defend an important principle of civil liberties, civil rights or social justice? That is, one must seek individuals who have demonstrated not only intellectual assent to these issues but also the much rarer willingness to defy "respectable" opinion in their behalf. The job of the federal district judge is among the most difficult in our entire political system, for the task of vindicating constitutional rights will often place him or her in opposition to local community elites, often, indeed, to personal acquaintances.

Senators ought to be encouraged to canvass widely within their states for suitable judges, but they should not be allowed to pretend that abstract "merit" dictates choices. Few decisions by individual Senators are more important to their localities than deciding who shall have lifetime judicial power within their states. Senators should

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be forced to articulate their own standards for selection and to defend those standards in public debate.

Citizens who fear that such public discussion of overt "political" criteria will lead either to disrespect for the legal system or simply to the appointment of less progressive individuals than might otherwise be the case should recognize that theirs is ultimately a counsel of despair. There remains a solid core of truth to Thomas Jefferson's argument, reiterated in our own day by Felix Frankfurter, that liberties can be protected only so long as they remain enshrined in popular sentiment. Unless the public recognizes the values of civil liberties, civil rights and social justice as being its values, we are doomed as a political system. If Senators are not willing frankly to defend commitment to these values as essential criteria for members of the federal judiciary, they forsake one of their essential tasks of leadership.

There is no single recipe for creating a first-rate federal judiciary. I expect to have more to say in coming months on the judicial appointments as particular nominations are announced. The Senate retains its constitutional power to advise and consent to judicial appointments, and it should use this power should the administration acquiesce in any dismaying appointments.* But at this stage it is enough to point out that the essential framework of discussion must not revolve around the untenable notion of "merit" but instead around a fundamental examination of the way in which we wish to mold our polity. □

* "Dismaying" would describe, for example, any attempts to appoint known segregationists to the bench. To some extent, though, this may no longer be a significant problem, and opposition to Senatorial appointments because of past disgraceful appointments, like Harold Cox in Mississippi or Gordon West in Louisiana, may be only another example of fighting the last war. Thus it has been reported that Senator Thurmond of South Carolina would like to see a black lawyer appointed to the federal bench in his state, an interest not unrelated to Thurmond's eagerness to get his share of the black vote in his tight race for re-election.

COAL AND STEEL

What the Miners Really Want

MIKE YARROW

February 22

On February 6, after four months of negotiations, Arnold Miller, president of the United Mine Workers of America (UMWA) reached a tentative agreement with the Bituminous Coal Operators Association (BCOA), the employers' association of most of the large Eastern coal companies. The agreement so offended the miners that even the council which has been considered pro-Miller rejected it 30 to 6. Cecil Roberts, vice president of Miller's old District 17 surrounding Charleston, W. Va., said, "The membership down here is outraged about the proposed contract. None of the demands of the 1976 International Convention were met." Walter Lawson Jr., a young black miner from southern West Virginia, fumed, "This is the greatest sellout since the Indians sold Manhattan for some beads." Charles Wayne Daugherty, a local union official from Big Stone Gap, Va., reported that the men with whom he works feel that the agreement would mean the end of the United Mine Workers.

These sentiments appeared to be widely shared. On February 11, 2,500 miners assembled at the Beckley, W. Va. armory to sound off against the agreement. In Ohio and northern West Virginia representatives of fifty-two locals voted for rejection and sent busloads of angry miners to picket the union's headquarters in Washington. Almost 200 local union officials from District 29 in southern West Virginia sent telegrams on February 13, to the bargaining council, urging it to return to the contract goals approved by the 1976 UMWA convention. A petition to recall Miller is collecting thousands of signatures. Retired miners are organizing against the pension provisions of the proposed contract and have received broad support from young local union officials.

Then, as a result of the outraged reaction of the rank and file to the Miller contract, things began to happen. Under pressure from Carter, who is concerned about the shrinking stockpile causing electricity cutbacks and threatening large-scale industrial layoffs, the BCOA made "their last best offer." The union bargaining council quickly and unanimously rejected it. Carter began consulting with Congress about more "drastic action." On February 21, the UMWA bargaining council accepted by a 26-to-13 vote a tentative agreement with Pittsburg and Midway, a Gulf Oil-owned coal company which is not a member of the BCOA.

This agreement was the result of a Federal Mediation and Conciliation Service's strategy to bypass the negotiations deadlock by hammering out a contract between a less hard-line company and the less militant miners of western Kentucky, Missouri and Kansas, where the company's mines are located. The mediation service apparently canvassed a number of potential agreements with independent coal companies looking for a "pattern setter." They rejected a contract under negotiation with Ziegler Company because "it was too liberal for the BCOA to ever accept." The strategy now is to get the BCOA to accept the pattern, or if that fails, to get some of its member companies to defect and come to separate terms. Miners are concerned that this strategy will lead to the demise of national bargaining and further erode the union's bargaining position.

Mike Yarrow, a graduate student at Rutgers University, has just returned from West Virginia, where he interviewed coal miners in connection with his dissertation in sociology.

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At first glance, most outside observers have trouble understanding the miner's activities because they try to interpret them according to calculations of economic advantage. Haven't the miners been offered a substantial increase in their wage and benefit package of 37 percent over three years? But, for the miners their desperate struggle involves a different set of concerns—matters of individual survival and dignity through collective struggle. They have a keen sense that their welfare depends on the strength of their union.

This coal strike is of signal importance for the whole labor movement. The UMWA, patriarch of industrial unions, has been engaged for three months now in a strike that has idled more than 160,000 miners and knocked out approximately 70 percent of the nation's coal production. Most observers predicted the combination of huge industry stockpiles and union weaknesses would bring a quick victory for the operators. It is primarily because the stakes appear so high to both parties that it has become the longest contract strike in the eighty-eight-year history of the UMWA.

The opening negotiating statement of the Bituminous Coal Operators Association, complete with tables and charts, emphasizes an important fact in the background of this year's strike—production in union mines has shrunk in the five years of Arnold Miller's presidency, while total coal production has increased. This has resulted in a drop of UMWA-produced coal from 68 percent in 1972 to just above 50 percent in the first eight months of 1977. This decline lends an ominous plausibility to the companies' warnings about the "possible extinction of the UMWA."

There are a number of reasons for this trend. UMWA organizing has not gone well in the huge strip mines of the Western coal fields, where production is expanding rapidly. The workers in these areas are heavy-equipment operators who happen to move coal; they are not "coal miners" in the Appalachian sense of the word. They have difficulty responding to the issues for which an Appalachian miner would lay down his life. To make matters worse, the UMWA has found it difficult to service its far-flung Western locals. Resistance to the union has also come from the companies, nine of which in 1975 refused to renew their UMWA contracts for fifteen Western strip mines. After a struggle, eight companies finally did sign. In this weak position the UMWA faces competition in the West from the Teamsters and Operating Engineers. It is a crucial problem, for the region is projected to increase its share of production from 17 to more than 30 percent by 1985.

The operators attribute the UMWA's declining share of production to frequent wildcat strikes, high absenteeism and the declining productivity of the union mines, all of which cut into profit margins and make it difficult to attract investment. However, the explanation is weakened by the fact that the UMWA's share of production began to decline in the late 1950s, when John L. Lewis enforced labor stability with an iron hand and sponsored dramatic increases in productivity by lending operators the capital to automate production—a procedure that was accelerated under Tony Boyle.

This harping on the union's share of production can be interpreted as an attempt by the companies to bypass the UMWA. Ever since coal production began to expand in the mid-1960s, they have made a determined effort to keep the UMWA out of the new mines. But unlike the textile and electronics industries, the coal companies are not eluding the union primarily by fleeing to low-wage areas. At least as a temporary measure, they are unabashedly outbidding the union by paying as much as twice the union wage rate in return for absolute control of production. This strategy is employed not only in the areas where the UMWA is weak, such as the Western fields and eastern Kentucky but also in West Virginia, the union heartland. St. Joe Minerals has opened a non-union mine in West Virginia's "bloody" Mingo County and is reportedly paying $125 a shift!

In the face of this maneuver, which threatens the survival of the once-mightiest American union, why does the UMWA not reach some Lewis-like accommodation that would curtail wildcats and increase productivity? It is clear from the proposed settlement that Miller leans in that direction, but the rank and file will not go along. The men have gone through a painful ten-year education, beginning with the Mannington Mine disaster in which seventy-eight miners perished to a chorus of company, government and union testimonials to the safety of old Consol No. 9. During those years they learned the grim details about black lung and how to use a strike to get legislative relief; they discovered the extent of their leaders' corruption and how to unseat those leaders. They trained themselves to act forcefully in their own interests. It is the mobilization of the rank and file, more than the new federal Mine Safety law or the 1974 Miller contract, that achieved the substantial reduction in injuries and deaths in the mines. Compliance with the law and contract came to a large extent from rank-and-file insistence, enforced by wildcats. There has not been a major tragedy at a union mine since Boyle was replaced in 1972, whereas disasters have continued in scab mines.

Although major improvements in safety have been made, coal mining is still extremely dangerous. In 1976 there were 141 deaths, 14,000 disabling injuries due to accidents, and 4,000 deaths from black lung. Comparisons with Europe suggest that these high figures could still be substantially reduced. Coal mining in this country has much higher productivity than European mines but is also several times more dangerous, despite safer geological conditions.

Yet, on the ground that productivity has fallen since 1969, the operators have insisted on provisions in the proposed settlement to insure a higher output. Miners see these provisions as a threat of more accidents and deaths. The agreement would provide for around-the-clock, seven-day-a-week production. Besides finding compulsory overtime and weekend work destructive of their family and religious lives, miners fear that maintenance, now for the most part done on weekends, will be neglected. The miners proposed four six-hour shifts a day, one of them to be devoted to maintenance.

The operators have been demanding the elimination of

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helpers on machines; the men say that, although not essential to production, they add an important measure of safety. The 1974 contract for the first time allowed a miner to refuse work under conditions that he believed to be "abnormally and immediately dangerous to himself." The proposed contract would whittle away at that vital right by stipulating that a miner could refuse work only if the "physical conditions" were hazardous. This new wording would not allow a miner to refuse work under an unqualified supervisor or in the absence of safety equipment. The agreement would allow the companies to institute productivity incentive plans. Such plans, when they have been tried at some mines, encourage workers to take short cuts with safety. The time that a new miner must wait before being allowed to operate dangerous equipment has been reduced from ninety to forty-five days. Miner Walter Lawson Jr. deems this "genocide," because operating large equipment in a cramped mine is not only dangerous to the machine operator but to his fellow workers. The owners wrap high productivity in patriotic oratory about energy self-sufficiency; the miners are determined that their limbs, lungs and lives not be sacrificed on that altar.

The strike has occurred not only in this threatening atmosphere of an assault on the union and the workers' hard-won health and safety gains; it involves other critical issues:

(*1*) The Welfare and Retirement funds which Lewis and the membership fought to establish in 1946 are bankrupt. They were supported with royalties paid by operators on the tonnage of coal produced, and the operators charge that the funds are crippled because wildcats have cut into production. But that is at best a partial explanation. In spite of the ten-week wildcat last summer in response to cutbacks in the medical plan and the present contract strike, which idled the mines for most of December, coal production in 1977 was enough to create the largest coal reserves in the nation's history. Had there been no strikes, there would have been widespread layoffs because of overproduction, and the funds would have suffered anyway. The miners say operators often delay or avoid paying royalties and that medical costs have soared. They want a much tighter union control on payments into and out of the funds. It is said that one costly abuse has been unnecessary tests and treatments and overhospitalization.

The Welfare Fund has greatly improved health care in Appalachia. The UMWA originally built a network of ten hospitals in the area; it has since sold them, but the medical plan still keeps them afloat and supports as well fifty clinics and other services. As one miner expressed his concern on the issue, "Wages will not protect your home in case of sickness." The tentative agreement would abolish the fund and workers would be covered by commercial health insurance on the basis of reimbursement of fee for service. Participants would pay $7.50 of each doctor's fee up to $150 per year for a family. There would also be expensive deductibles for hospitalization and drugs. A clinic official fears that this arrangement would destroy the promising health education, preventive medicine and chronic disease management program. Cutbacks last summer which forced the clinics to bill patients for 40 percent of the fee were followed by a drastic cut in utilization. The contract now in debate would increase the bill. As a result, a pensioner with black lung would probably drop his regular blood pressure checkups. The innovative clinics which have given health care a new meaning in the hill country would, it is feared, be converted into medical assembly lines.

Before the strike there were two pension plans. One of them, established in 1950 for the 81,000 miners who retired before 1976, was almost bankrupt. The other, for the few miners who have retired since 1976, was on a firm financial footing and paid roughly twice as much as the old plan. This double standard offends the miners' sense of solidarity and justice; they are determined to do right by the old-timers who fought to establish the union. The proposed settlement guarantees both pensions, but keeps the disparity in payment by raising each $25 a month over three years. It turns the new pension funds, now jointly controlled by the union and the operators, over to the individual companies. Miners suspect that, if their company went broke, they would lose their pension and that it would not be transferable if they moved to a new company. One miner observed that it would do no good for the active miners to ratify such a contract—the pensioners, who have nothing but time on their hands, would picket the miners out of the pits.

(*2*) The other major issue, and the biggest stumbling block to a settlement, is the right to strike. In the past, UMWA contracts, unlike those of other unions, have not included a no-strike clause. This year the BCOA is insisting on it. *Business Week* (November 28, 1977) states the management view aptly:

> High absenteeism and frequent wildcat strikes have denied the coal operators the stability they thought they had bargained for with the United Mine Workers. The UMW, poorly led and divided by years of political turmoil, has failed to deliver a disciplined work force.

In other words, since Arnold Miller is unable to discipline his members, the operators want a contract that will.

Miners, on the other hand, feel that their traditional right to strike was recently nullified and must be reasserted. The Arbitration Review Board ruled last fall that miners can be fired for participating in wildcats, or "advocating" them. Court injunctions have also been used to attack unofficial strikes. The courts have levied fines totaling $100 million against the union; the cases are in different stages of appeal. The rank and file has battled the courts head-on. During the summers of 1975 and 1976 there were large-scale wildcats against the injunctions. Partly as a result of these earlier struggles, the huge wildcat of last summer against the medical plan cutbacks was not enjoined. To avoid future firings and injunctions the miners want in this year's contract a clear statement of the right to strike at the local level over unsettled grievances; the delegates to the 1976 convention unanimously passed a resolution to that effect.

This action does not mean that the miners themselves are without misgivings about wildcats. Strikes have been called so often in recent years that many miners, like Ronnie Lawson and Ben Hodges, young local union

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officials from District 29 in southern West Virginia, are exasperated at being prevented by wildcats from earning a living. On the other hand, many agree with Tom Walker that, "The right to strike is the only weapon we have against the coal operators. Without it we're just helpless." The owners charge that, since miners have raised respect for the picket line to a first principle, strikes are caused by soreheads with axes to grind or miners with private gripes. Miner Joe Malloy calls this propaganda. Miners, he says, don't want to be other people's fall guys. When they strike over what seems a minor issue, it is usually the last straw in a deteriorating relationship.

Miners have no faith in the five-step grievance procedure set up in the 1974 contract, since the companies have made a practice of appealing most cases all the way up the ladder. As a result, cases drag on for an average of forty-four weeks, and in West Virginia rulings have reportedly favored the companies 90 percent of the time. The companies can deal immediately with a miner who violates the contract, but the men are expected to abide by this long, one-sided grievance procedure when the company is at fault. Their unwillingness to settle for this unequal arrangement has caused some of the unofficial strikes.

Miller would like to curtail the wildcats, which are wrecking union finances and challenging his leadership. The contract which he negotiated ignores the 1974 convention provision on refusal to work for safety reasons; it contains instead a number of provisions to eliminate wildcats. Strikers would have to pay into the health and retirement funds at the rate of $20 a day for the first ten days of a wildcat; if they stayed out longer, their benefits would be cut off. A miner who refused to cross a wildcat picket line could be suspended for thirty days, and anyone deemed an instigator could be summarily fired, even if there were extenuating cicumstances. Another provision to discourage striking and absenteeism is a 45 percent increase in the number of hours a miner must work in a year to have that year count toward his pension. Miller calls this a contract for men who want to work, not for the wildcatters and radicals. Reports from the coal fields are that miners find these provisions the most disturbing. A miner from Wise County, Virginia, snorted, "God gave me the right to strike! Arnold Miller doesn't have anything to do with it."

Miners say that company observance of contract rules would eliminate most wildcats. They believe that the right to strike at the local level, when voted by a majority of the membership, would convince the companies they could not get away with violations. A former UMWA staff member feels that the union leadership could help by moving promptly to settle disputes, rather than repeating the old refrain, "Go back to work and we will take care of it." The BCOA is committed to hold out for punitive powers, so that even a compromise that would prevent summary dismissal for wildcatting is likely to take extraordinary rank-and-file determination.

Although it is not so important an issue for many of them, the miners are far from satisfied with the proposed wage settlement. They foresee that it will barely keep pace with inflation and are disturbed that the cost of living escalator has been removed. They realize that a good wage and benefit settlement is of critical importance if the UMWA is to organize nonunion mines. They were also upset with the provision that would allow union mines to process scab coal through their tipples, viewing that as a further erosion of union power.

Don Hesse, St. Louis Globe-Democrat

The lines are drawn and it seemed at first that the operators had the upper hand. The UMWA has a number of counts against it. It is in serious financial trouble and is losing its grip on coal production. It has been beset by factional fights since Tony Boyle's autocratic rule was challenged in the early 1970s. This year Miller won re-election in a three-way race with only 40 percent of the votes. He has managed to solidify his support on the executive board and among the district leaders, but he has been under constant challenge from the rank and file. In the present crisis the bargaining council, made up of executive board members and district presidents, sided overwhelmingly with the evident rank-and-file position by rejecting Miller's contract. That contract, which is very close to what BCOA originally offered, reflects the weakness of the union's bargaining position.

In spite of these handicaps, the UMWA has been conducting a strong strike which has already had a measurable effect on the GNP and is threatening utilities and industrial producers in eight states. Its strength lies in the determination and resourcefulness of the rank and file. They knew this would be a long and bitter strike, but felt their backs were against the wall and prepared for it. They worked overtime and saved; their wives put up extra large quantities of canned vegetables; they postponed large purchases. Banks and other businesses are usually willing to defer payments owed by striking

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miners because, as one miner put it, "The bank doesn't want a used car lot down there." In addition, mining families can count on a strong Appalachian ethic of sharing in times of scarcity.

Because of these resources and the government food stamp program, miners are not wringing their hands about mortgage payments, but talking calmly of the strike lasting into March. Still, it will be a rough winter. The Welfare and Retirement funds, now terminated, had more than 800,000 beneficiaries. These people are finding it increasingly difficult to pay utility bills and medical fees. The spectacle of 81,000 retired and disabled miners wheezing desperately through the winter without money to pay for needed drugs and medical care might well be insupportable. But the miner's faith in his neighbors has been vindicated. In the midst of an anti-miner local media campaign, sixteen doctors as well as other medical personnel have started a free clinic two evenings a week in Beckley. Since most hospitals in the region are demanding payment in advance from strikers, the clinic has been swamped. A medical lab is doing tests for no charge; an ambulance company is providing free service, and a drugstore is filling prescriptions at cost. In addition, District 29 has set up a relief fund to pay utility bills for strikers threatened with a cutoff of service. These and many other relief projects could use support from "neighbors" outside the coal fields.

Violence and mass arrests continue, but the strike is holding, and production has been cut by almost 70 percent. In southern West Virginia it is difficult to believe that the region's major industry is in the third month of a paralyzing strike. No shivering pickets are in evidence; it is such strong UMWA country that pickets are unnecessary. Even the strip miners are union members in that area. However, the desperate struggle to stop production continues on the periphery. There has been sporadic violence in Illinois, Indiana, Ohio, Kentucky, Tennessee, Virginia and Alabama, involving property damage, arrests and two murders. In Wise County, Virginia, UMWA deep miners who tried to close down nonunion strip mines have faced mass arrests. The high sheriff, a strip mine owner, has saturated the mining area with state police.

Miners have resorted to extreme means to stop the nonunion coal that is prolonging the strike. The huge railroad yard at Bluefield, W.Va. is a center for shipping that coal. When peaceful picketing was ineffective there, an explosion wrecked the Norfolk and Western tracks. On January 17, indictments were brought by a federal grand jury in Beckley against five men in connection with the blast. The charges carry penalties averaging $40,000 in fines and fifty years in jail. A spokesman for the Miners' Support Committee in Beckley said, "Whatever anybody did down there in Bluefield, I am sure they didn't do for themselves; they did it for all of us." But whatever the outcome of the battle for the periphery, the UMWA has a trump card in its solid control of the eastern region's heartland, for under that mountain terrain lies most of the nation's metallurgical grade coal.

Since seizing the mines or imposing binding arbitration would involve lengthy Congressional consideration, Carter may well turn to a Taft-Hartley injunction if there is no break in the BCOA negotiations soon. Cecil Roberts said after the news of the proposed contract reached the coal fields, "I don't believe there is any way the men would go back to work under the Taft-Hartley Act." The miners have a strong tradition of "no contract, no work." As an emergency measure, the adminstration is making plans to bring in nonunion Western coal to the Midwest. Without some real arm-twisting of both sides the strike may last a long time. The miners' right-to-strike demand challenges the prevailing structure of labor-management relations, which guarantee production continuity and management prerogatives by requiring that worker grievances be settled in long and costly arbitration procedures. Therefore, both the companies and the government will resist a compromise on this issue. Thus it is not surprising that Carter sees the problem as resting with the union rank and file rather than with intransigent companies.

Thus far, miners have received little help from other unions, possibly because the independence of its rank and file threatens labor bureaucrats, or because Miller has discouraged demonstrations of solidarity that would restrict his flexibility. A strong show of support from other unions now might persuade the BCOA to compromise and bring a merciful end to a desperate struggle. But solidarity, at least at the top of the AFL-CIO, seems to be measured. George Meany told a press conference February 20 that "if the President feels it's his only alternative (invoking Taft-Hartley), then we won't criticize him." That line would have brought John L. Lewis out of his lair roaring.

There is a lot at stake in this strike, not only for the miners and their union but for the whole labor movement. Will the huge profits of the coal companies be siphoned off by the multinationals which largely own them, or will that money be used to make mining a safer occupation for the miners and restore the environment? Will a proud old union that has given so much to the labor movement in terms of precedent-setting settlements, leadership and financial support become extinct? Projections for the next ten years see a doubling of both tonnage and work force. How much of that increase is to be covered by the UMWA will be determined to some extent by the content of the new contract. With increased reliance on coal as a source of energy, the potential power of the union is enhanced. So also is the motivation of the companies to crush it.

Finally, will the most vital, democratic, rank-and-file union be reconverted into a business union where the leadership is cozy with management and disciplines the work force? The volatile progress of the UMWA since the successful political wildcat of 1969 to force passage of a black lung bill may be forging a type of unionism that departs from business unionism. It would be a unionism in which the rank and file is in power and struggles on a broad range of issues affecting the membership, rather than just for wages and benefits. This emerging form hangs in the balance; it has not found an effective mode of leadership. Arnold Miller is a man riding a tornado of rank-and-file mobilization and buffeted by the companies and the courts which want him

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to perform the old role. If the new contract raises the penalties for wildcats and permits the expulsion of the dynamic young leadership that is developing in the locals, rank-and-file unionism will be dealt a setback. It will not be defeated, however, for miners realize that it is a life and death struggle and they will not give up easily. As miner Tom Walker put it:

> This union wasn't handed to us on a golden platter. Our fathers, our grandfathers died for it! They fit for it in the woods. They signed for it not knowing whether they would ever get to work another day or not. That's what it is going to take again! □

Placebos for a Sick Industry

EDWARD GREER

Comparable technology is now available throughout the world for most kinds of manufacturing. Since raw material costs have also become equivalent everywhere, multinational corporations locate their productive units in the countries where appropriately skilled labor is available at the lowest cost. For some time this process has been working to the disadvantage of the United States. The flight of textiles and shoemaking has devastated whole regions in New England. Now the American steel industry is going down a similar path.

Early in the century, efficient and expanding steel production lay at the heart of American manufacturing success. By the end of World War I, the United States produced three-fifths of the world's steel and its economic dominance was unquestioned. Burgeoning American industry gave the United States a reputation as a land of opportunity; business flourished around a solid economic infrastructure, and there was social peace at home.

During this period, which continued through the 1950s, the U.S. steel makers outproduced the Soviet Union, the Common Market and Japan combined. Throughout the Eisenhower years steel prosperity was able simultaneously to afford the companies' annual profit rates of 12 percent and to permit 4 percent annual increases in real wages for steelworkers. The American Century was unfolding. Now steel is in chronic trouble. The USSR and the Common Market each outproduces the United States, and the Japanese produce virtually as much. Employment has dropped from 500,000 workers a decade ago to 385,000. Steel prices have been rising considerably faster than those of other manufacturing products, contributing to inflation. Production has not fully recovered from the last recession and the mills are operating at only 80 percent of capacity.

In the last few months several older mills have been closed, with the attendant consequences of mass layoffs and anguished cries from community leaders. A "steel caucus" of several dozen Congressmen has been formed to demand federal action. And President Carter has responded with a package of relief measures that is sure to be implemented.

But this federal response is bound to fail, because it is based upon the industry's own analysis of its difficulties, and does not address the root of the problem. This is evident from the distribution of benefits under Carter's plan: $20 million to the laid-off workers; $900 million annually to the steel companies. The plan was developed last fall by an interagency committee set up in the Treasury Department and will be implemented largely through new federal administrative regulations.

Naturally enough, the steel makers assert that inadequate profits are the problem. Without sufficiently high returns, the industry alleges, it cannot raise the capital necessary to modernize American mills. In turn, this supposed backwardness of American steel-making technology is held responsible for the high cost of domestic production, making it possible for imported steel to capture a sizable chunk of the American market. This further depresses profits—and traps American steel in a vicious circle.

Even though there is inadequate effective demand to run the mills at capacity, the industry feels it should be able to raise prices. The president of United States Steel has just declared that, "with costs continuing to rise, price increases will be necessary in the near future regardless of what happens to imports." Steel prices are currently being raised by 5.5 percent and further increases can be expected once the Carter administration plan goes into effect.

For the solution that is to be implemented is sharply to reduce foreign competition by a protective tariff. It is this protection that the government estimates will increase the industry's annual profits by $900 million. When that is done, American steel makers (who like most oligopolized industries maintain a common price) can raise prices until they achieve a "satisfactory" profit level. In the kind of rhetoric currently favored in Washington, this protective tariff is being promulgated as a "reference price" plan, though one would be hard put to explain how it functions differently from an old-fashioned tariff.

Industry leaders say they need this extraordinary remedy because other governments subsidize their steel industries and "dump" their products in this country at below-market prices. Further, the industry insists that high taxes and "unreasonable" environmental regulations have made American steel noncompetitive and should be modified on its behalf.

This analysis is false in every particular: the Carter administration has been strung a yarn. Steel makers

Edward Greer is director of the Urban Studies program at Roosevelt University (Chicago) and partner in the Chicago law firm of Bigelow and Greer.

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have shrewdly taken advantage of current popular concern about the tragedy of closed mills, and elite distress about the undermining of a key industry, to raise their profit margins by gaining protection from foreign competitors.

Increases in domestic steel prices will exacerbate national inflation, as they are passed on through almost every industrial and consumer commodity. And the indirect effects of the "reference price" system are apt to be even more harmful to the overall economy. As former Under Secretary of State George Ball observes: "Not only will it tend to increase prices to consumers but, particularly when basic products are protected, the costs of production are increased for other manufacturers, thus reducing their competitiveness in world markets and inviting a flow of imports against which protection is again demanded." With an annual balance-of-payments deficit of $30 billion, it is folly for America to raise the production cost of goods sold abroad by increasing steel prices.

Worse yet, such a policy will surely encourage further protectionism around the world. It was a "solution" of this sort that contributed to the depth and severity of the Great Depression. Nevertheless, the proposed remedy is now popular in the steelworkers' union and the AFL-CIO. George Meany declared at the latest AFL-CIO Convention that the American steel industry is in trouble because "foreign countries subsidize their steel industries so they can undercut American companies. Of course, when the United States steel industry is destroyed, the United States would become dependent upon foreign sources and, without a steel industry of our own, the foreign countries would charge whatever they want."

This is a frivolous argument. Our $40 billion steel industry can hardly be analogized to a "mom and pop" grocery store driven to the wall by the loss leaders of a wicked supermarket chain. No nation in the world is in a position to wage a trade war against American steel.

It is true that some underdeveloped nations are subsidizing their fledgling steel industries; and so are a few weaker European producers, notably Italy and England. But the overwhelming mass of imports are coming from West Germany and Japan. And despite the repeated assertions of steel company spokesmen, there is no evidence that these countries subsidize their steel industries.

A major investigation of this charge by the Federal Trade Commission concluded that the value of all governmental assistance to Japanese steel makers—who are responsible for half of U.S. steel imports—is worth 43¢ per ton. On a $360 per ton item, which the Japanese produce for $70 less than the Americans do, such a "subsidy" is trivial.

The related charge used to justify a tariff is that Japanese manufacturers are "dumping" their product on us to maintain their mills at high rates of production. It is equally spurious. Another FTC study has shown that for the past several years the export price of Japanese steel has actually been above that of their steel sold domestically. Nevertheless, the American industry persistently repeats the charge, confident that enough vehement reiteration will persuade us all there is truth to it.

Another contention of the steel companies—that their problems are due to the prohibitively high cost of compliance with "unreasonable" pollution control laws—is an attempt to apply at the national level the threat of "no smoke, no jobs" which they have traditionally used to bludgeon state and local governments into acquiescence in their untrammeled emission of pollutants. It is combined with the repeated assertion that the industry has already made substantial progress in this area, and that the little pollution which is left cannot, at any economically feasible cost, be controlled with existing technologies.

The steel industry is responsible for one-fifth of the industrial air and water pollution in the country. It has spent literally tens of millions of dollars in legal fees to contest every regulation and enforcement order and thus defer compliance as long as possible. As a result, progress in the industry's pollution control has been particularly laggard. To be sure, much of the particulate emission that gave the steel towns their distinctive skylines has been abated, but at the same time there has been an actual increase in the far more deadly, but invisible, sulfur-dioxide pollution. The 300 tons a day of sulfur dioxide emitted into the Chicago air by the region's steel mills is double the quantity of five years ago.

From the propaganda of the American manufacturers one would imagine that the other steel-producing nations run their mills with no pollution-control devices whatsoever. Yet in the Soviet Union coke-oven batteries —the main source of sulfur dioxide—are operated with virtually no pollution. (In the United States coke-oven workers contract lung cancer at a rate ten times that of other steelworkers.) The biggest new mill in Japan, the Ogishima Works, is being constructed with 20 percent of its capital costs assigned to pollution-control equipment. In this country, an average of only 2.5 percent of production costs is devoted to environmental control. Pollution-control costs are a very minor factor in the economic distress of American steel.

As for the allegation that high taxes contribute to the steel crisis, it is necessary to know only that the steel corporations' combined federal, state and local taxes often run below 5 percent of sales. Even when there are substantial book profits, the companies sometimes avoid paying any federal taxes at all. This tax-free status is arrived at, according to Stanley Surrey, former Assistant Secretary for Tax Policy in the Treasury Department, by "a combination of investment credits, excessive depreciation, and the benefits for natural resources, the latter obtained by subsidiaries engaged in that activity and included in a consolidated tax return so that their deductions are applied against the income of the consolidated groups."

At the local level—as I know from my experience on the staff of Mayor Richard Gordon Hatcher of Gary, Ind.—tax avoidance is even more flagrant. In testimony before a U.S. Senate committee with respect to the property-tax assessment of the Gary Works of U.S. Steel, Director W.A. Walker asserted that local property taxes in Gary "are the highest we have,"

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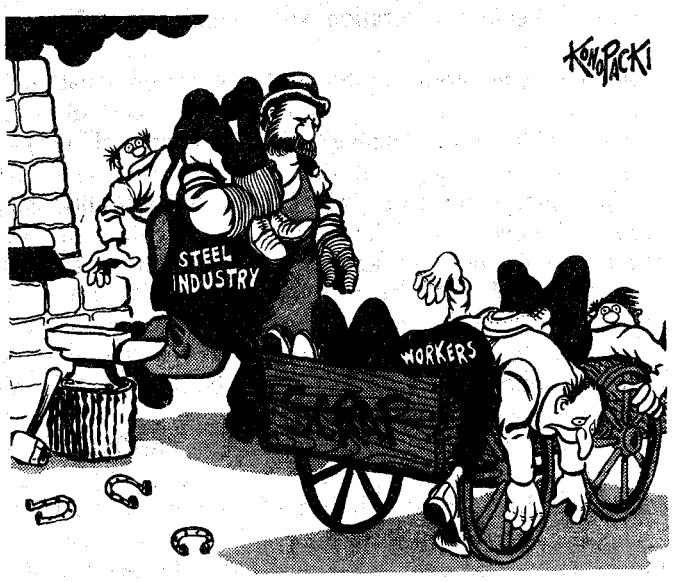

double those paid by the company's Pennsylvania mills. Yet witnesses for the city introduced cogent evidence that the plant was underassessed to the extent that it was paying only half its share of local taxes.

Recently a columnist for *The New York Times* asserted that Mayor Hatcher has "the most thankless job in the country." If so, the impoverishment of the city government that is largely due to U.S. Steel's successful tax avoidance is substantially to blame. Mayor Hatcher explained that U.S. Steel executives had made it clear to him that there would be economic retaliation for reassessment to a more accurate valuation. He added, "I don't believe at any time I heard anyone say that the Gary Works would be shut down completely. But I do believe there was an implication that certain parts of the process of making steel would have to be transferred to other locales where there would not be this high property tax rate."

No locality has the power to prevent a private business from carrying out such a threat. But the federal government has the means to prevent capital flight from the country; it need not capitulate to corporate demands.

There is every indication that the extra $900 million to be given the steel industry will not be reinvested in domestic steel capacity. At present, United States Steel is advancing the capital to build up Spain's steel industry, and other steel makers are investing their profits abroad. Carter's relief package will do nothing to discourage the industry from investing the additional revenues gained from "reference prices" in overseas subsidiaries.

A current favorite investment spot for the steel companies is the mining industry of the Republic of South Africa. The companies prefer to say little about these investments, for the 20 percent annual profits in South African mining are attributable to the apartheid system's low wages for black miners. Another authoritarian regime now favored by the industry is Brazil, where in the next decade an estimated $20 billion will be invested in raw materials. The Carajas iron ore development (49 percent owned by U.S. Steel) will absorb $4 billion.

The shift in investment patterns is striking. For instance, U.S. Steel earmarked a bare 1 percent of its capital expenditures for ore development in the period after World War II. Today, the proportion is about 50 percent. As board Chairman Edgar Speer candidly explained: "When foreign steel flooded our market and we couldn't compete, spending for additional finishing capacity didn't seem too attractive economically. But we wanted a piece of the growth we saw in world steel. So we decided the way would be to become a supplier of raw materials." The chairman of Armco Steel, William Verity, made much the same point, asserting that "a look at the annual report of any major steel company will show extensive diversification into nonsteel businesses. . . . At Armco, the nonsteel wing is called Armco Enterprises and provides by far the largest share of corporate earnings."

This reassignment of capital from domestic steel mills to other product lines and other nations is even more striking among the major steel manufacturers that were taken over by giant conglomerates in the 1950s and 1960s. For example, the November shutdown of the Youngstown Sheet & Tube plant (5,000 workers were laid off) was ordered by the Lykes Corporation, a multinational conglomerate of which Youngstown Sheet & Tube is a minor subsidiary. The Ohio Public Interest Campaign has charged that Lykes milked the Youngstown mill to pay bank debts and provide financing for other projects of the conglomerate.

Ironically, the favorite new investment avenues for the steel companies, iron ore and coal mines, often wind up aiding overseas competitors. Each year $3 billion worth of American coal, much of it produced by the steel industry's "captive mines," is exported. The biggest single purchaser of American metallurgical coal is the Japanese steel industry.

At work here is not some kind of immorality or incompetence on the part of the steel companies. It is the result, merely, of objective economic reality: multinational steel companies now find it pays better to develop and sell raw materials (both domestic and from the Third World) to other steel-producing nations than to invest in new steel capacity at home.

However, once such a juncture has been reached for the core of American heavy industry, there is a sharp divergence between what is economically rational for the steel companies and what is economically healthy for the society. The investors in steel can increase their profits by moving in a direction that leads to the actual deindustrialization of the United States.

At the turn of the century England took just that route when returns on investments in the Empire began to exceed those in local industry. Repatriated profits disguised the decline for several decades, but in the end England became a second-class power.

Such a course seems impossible for the United States, with its vast continental expanse and continuing world leadership in a variety of vanguard industries. But ominous signs point in just such a direction. One of them

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is the decline of the entire Northeast and Middle West regions of the country. It is not merely that individual cities are following Newark into disarray but that what was heretofore the central industrial heartland of the nation is in profound distress.

Anti-redlining proposals are both too little and too late when capital refuses to invest in the productive capacity of a third of the country. Similarly, the steel industry has essentially refused to construct "greenfield mills" over the past couple of decades because construction costs have become so high that, after they are amortized, the cost of steel from such new plants would be greater than from already existing mills. Today, as American engineering firms learned to their sorrow when they bid for the contract to develop the Brazilian steel industry—the Japanese can build new steel plants for 30 percent less than we can. A peaking off of American superiority in research and development is another indicator of an overall decline in national industrial superiority.

These negative trends reflect a propensity of American capital to abandon existing investments for new frontiers. Our business heritage is profligate. The very concept of the "robber baron" connotes industrial rapine on a grand scale suitable for a virgin continent. The endless frontier, limitless cheap natural resources, ever renewed sources of vigorous immigrant labor, and the absence of parasitical social classes combined to produce national affluence.

America's industrial culture has thus been based upon a combination of favorable circumstances which are wearing thin. While during World War II and for a time thereafter military spending "primed the pump" of national growth, in recent years it has become a net drain on the economy—absorbing, for instance, half the scientists and engineers needed to improve the civilian industrial sectors. Similarly, we have predicated our industrial patterns on a kind of relationship with nature that is ending. The United States no longer enjoys a cost advantage over other countries in the raw materials needed to make steel. And we use almost twice as much energy per capita as do the Swedes to maintain an essentially equal standard of living.

To think that these underlying structural problems which adversely affect the steel industry can be solved by simply having the government add a bit to profits, hoping that the extra fat will translate into a more efficient industry, is a bad mistake. It is true that for a period in the late 1950s American mills did fall behind their European and Japanese competitors in technique, but that gap was overcome long ago.

Today there is little room for further improvement in efficiency through modernization based on existing technology. That harsh truth led the President's Council on Wage and Price Stability to conclude its October 1977 *Report* on the steel crisis with the flat statement that "the proposition that the U.S. steel industry's problems would be solved by faster modernization is naive." At most, half of the gap in production costs with Japanese steel could be overcome in this fashion.

For the current period, the reality is that so long as American steelworkers enjoy a wage differential, United States Steel will remain noncompetitive. The *Report* of the Wage and Price Council demonstrates that the entire 20 percent advantage in production costs enjoyed by Japanese steel is due to the lower wages paid in that country; all other costs are comparable.

Of course, over the past decade the traditionally higher wages of American workers have already undergone substantial erosion. German steelworkers now earn almost as much as their American counterparts. And the wage gap between U.S. and Japanese steelworkers has fallen from 3 to 1 in 1970 to less than 2 to 1 today. As the industrial superiority of the American system declines, so does its ability to pay high wages.

Caught in this trap, we can expect attempts by the steel makers to break the power of the steelworkers' union and reduce wages. This course of action may very well lead to some ugly social and class confrontations. For the moment, the showdown is being avoided because the national leadership of the Steelworkers is collaborating with the companies to gain relief from imports and thus protect their jobs and wages. But once the companies, having made use of the union to get maximum governmental aid, then find that the problem persists, their next step will be to launch a direct offensive against wages and working conditions. Already a rising accident rate in the mills is accompanying a process of speed-up.

The political response of the national government to the steel crisis is a mere palliative. A steel steal of $900 million does not address the real problem, and the decline of American industrial might cannot be pushed under the rug—for without it all else fails.

The chronic difficulties of the economy, and the country's inability to free significant resources to meet any of its grave social problems are consequences of the declining health of America's basic industry. Welfare reform, national health insurance, rebuilding the cities, affirmative action for minorities and women, adequate public education and child care—all the hopes of the reformers are blighted when the productive base of the economy is undermined.

Instead of giving the steel magnates a handout, what is needed is a set of bold new governmental initiatives on the order of the New Deal. The program called for now sounds utopian: sweeping social controls over the flow of capital, to prevent the flight of jobs abroad and the redlining of entire regions. Many forms of speculative, nonproductive investment would have to be made unattractive by confiscatory levels of taxation. Such a second New Deal would have at its center a governmental program to initiate and subsidize national reindustrialization in accordance with ecological necessities and the needs of the American people. The massive rebuilding of the cities and the development of mass transit that would be called for by such a program would consume all the steel our mills could produce.

It looks, alas, as if matters must deteriorate further before there comes a political readiness to undertake this overdue transformation of the national economy. Let us try to keep firmly in mind, however, that as steel goes, so goes the nation. □

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U.S. AID FOR THE RICH

View from a Bangladesh Village

JAMES K. BOYCE & BETSY HARTMANN

Sending money, food and other goods overseas to supply the minimal needs of the desperately poor is one thing; knowing that the poor ever get this aid is something else. Congress in 1975 passed legislation prohibiting U.S. assistance to governments which show "a consistent pattern of gross violations of internationally recognized human rights . . . unless such assistance will directly benefit the needy people." Last fall, passage of the Harkin-Badillo Amendment placed similar conditions on aid contributed through multilateral lending institutions like the World Bank—again with a clause on direct aid to the needy. But how can one be sure? In the name of helping the hungry and homeless, aid programs that promise much on paper may in fact bolster an elite that clings to power by monopolizing available resources and suppressing dissent. Bangladesh is a case in point, as we learned by living in one of its villages for nine months in 1975.

The poverty of Bangladesh has become legendary; photographs of starving Bengali children are now the standard illustrations for articles on world hunger. After the twin devastations of the 1970 cyclone and the 1971 war of independence by which Bangladesh broke away from Pakistan, Henry Kissinger termed the new nation an "international basket case." The world's eighth most populous country, Bangladesh has 80 million people, 90 percent of whom live in the countryside, where pressure on the land is intense. With an average annual income of about $100 per capita, Bangladesh's people are among the world's poorest.

The country's poverty has persisted despite the massive influx of aid that began after the 1971 war. In less than three years after independence, Bangladesh received $2.5 billion in aid commitments, more than the country had received during the twenty-five years when it was East Pakistan. Today aid pours in at a rate of almost $1 billion a year. The United States, the biggest donor, is slated to give $205 million this current fiscal year, making Bangladesh the third largest recipient of U.S. aid, after Egypt and Israel. Since independence, Bangladesh has been the second biggest recipient of aid from the World Bank's soft-loan affiliate, the International Development Association (IDA).

Not only has foreign aid failed to make a dent in Bangladesh's poverty but the situation of the country's poorest people has actually become worse. A recent USAID-commissioned study on land tenure reveals widening disparities in the countryside, where 48 percent of the families are now "functionally landless" and chronically underemployed. Land is held ever more tightly in a few hands—less than 10 percent of rural families now own more than half of Bangladesh's agricultural land. Despite recent good harvests and substantial food aid shipments, thousands of infants and young children die each year of malnutrition.

Who really benefits from foreign aid to Bangladesh? Not, certainly, the poor. During our nine months in the village, we saw to our dismay that, far from helping them, aid often works to their detriment.

The biggest crumb of the foreign aid cake to reach our village was a deep tube well, one of 3,000 installed in northwestern Bangladesh under a World Bank IDA project at a cost of more than $12,000 each. A tube well, drilled with an imported power rig and equipped with a sophisticated turbine pump, will produce enough water to irrigate 60 acres of land, making possible a rice crop during the dry winter season and insuring other crops against drought. In theory, such a well is to be used by a cooperative of small farmers formed specifically for the purpose, but in our village the cooperative was a fiction—no more than a few names on a scrap of paper collected by the powerful landlord on whose land the tube well was drilled.

The landlord, a member of the late Sheikh Mujib's ruling party, was an influential figure in local politics. He had previously used his position as vice chairman of the union council, the local administrative body, to misappropriate the few blankets and sheets of corrugated tin that had come to the village as relief supplies after the 1971 war. His IDA tube well was a far greater prize. Thirty of the landlord's 70 acres lie near the tube well; he planned to irrigate these and to sell any surplus water to the smaller landowners who till adjacent plots. However, since few of the neighbors were willing to pay his price, the well would run at less than capacity.

The experience of our village was not unusual. A foreign expert working on the project told us, "I no longer ask who is getting the well; I know what the answer will be, and I don't want to hear it. One hundred percent of these wells are going to the big boys. First priority goes to those with the most power and influence: the judges, the magistrates, the members of Parliament, the union chairmen. If any tube wells are left over, the local authorities auction them off. The big landlords compete, and whoever offers the biggest bribe gets the tube well. Around here the going price is 3,000 *taka* [less than $200]."

A World Bank official explains: "If the government doesn't have the will to help the small farmers, we can't force them to do it. We can advise, we can write provisions into our projects, but without that genuine commitment on the part of the government it just won't work." Bank officials are willing to accept this as a regrettable fact of life. What really disturbs them about the project is not that the rich landlords got the tube

James Boyce and Betsy Hartmann were in Bangladesh from 1974 to 1976. They are writing a book about the village in which they lived for nine months.

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wells but that, owing to fragmentation of landholdings, they won't use them to capacity. Learning from experience, the Bank has chosen a more "appropriate technology" for its newest irrigation project in northwest Bangladesh: this time it will provide 10,000 shallow tube wells designed to irrigate only 15 acres each. Once again, provisions for small farmers are written into the project, and once again the biggest owners are the ones most likely to get the wells.

The benefits of the IDA deep tube well project were not confined to village potentates. The biggest profit seems to have gone to a businessman named Jahurul Islam, known as the richest man in Bangladesh. A patron of Sheikh Mujib and a close associate of John Stonehouse, the enterprising former British M.P., Islam had a hand in many of the business deals that followed Bangladesh's independence. After months of behind-the-scenes maneuverings, one of his companies, Dacca Fibres, won the contract to supply pump sets for the tube-well project. The details of this award are murky, but when it was finally made, the price for the pump sets had jumped to $12 million, up from the Bank's estimate of $9 million. Islam's extra $3 million was, said one official, "easier than robbing a bank."

From the village landlord to Jahurul Islam, the IDA tube-well project enriched Bangladesh's wealthy minority. Far from "trickling down" to the poor majority, such aid actually makes them poorer. Made richer by his well, the landlord readily buys out small farmers when hard times befall them. But except for grabbing up land, this village squire is unlikely to invest his extra income in agriculture. He prefers imported luxuries, such as the Japanese motorcycle he bought at three times the world price while we were in the village.

In fact, the rich of Bangladesh show a marked reluctance to invest productively the new wealth that aid brings them. Jahurul Islam has not put his millions in factories, though the country is desperately short of industrial capital. He favors the relatively quick and easy profits of the import-export trade. Now he has gone multinational, shifting his headquarters to London and concentrating his business skills on the oil-rich nations of the Middle East. Luxury imports and capital exports cut into the country's balance of payments, dragging down the economy of the nation as a whole. So aid from overseas not only makes the rich richer; it also makes Bangladesh poorer.

Family planning is another important focus of foreign aid in Bangladesh. To our surprise, we found that many villagers—especially those who had enough children to help in the fields and provide for them in their old age—were keenly interested in birth control. Indeed, within a month of our arrival several village women were begging us to help them get pills. Although USAID had provided millions of dollars worth of pills to the government, to be distributed free of charge, we found them on sale in the villages for as much as eight *taka*—more than the average daily wage—for a month's cycle. In response to the villagers' pleas, we went to the family planning office in the nearest town and asked that extension workers visit the village.

When they did come, we began to understand why, despite AID's donations, the demand for birth control in the villages was not being met. The extension workers were educated, middle-class town women, separated from the village women by a gulf of arrogance and indifference. They wore expensive jewelry and silk saris, spoke upper-class Bengali, and spent most of their time asking us how we could stand the "inconvenience" of living in a "dirty" village. When they left, the villagers asked us if they were from America.

The family planning workers left, promising to return in three days with a supply of pills, but it was many weeks before we saw them again. They explained that they had been delayed because their jeep had broken down, and they could not walk the 5 miles, the distance to town that many villagers covered every day. When they finally arrived, the family planning workers met with the women and gave them a carton of pills. The villagers doubted they would ever be back to replenish the stock, let alone supervise the women's taking of the pill. One villager spoke for the rest when she said, "All government officers care about is their salary. They sit in their offices and drink tea. What do they care about us?"

Aid for family planning runs up against a basic obstacle to development in Bangladesh: if they are to benefit, the poor must themselves play the leading role in the process. Outsiders, be they foreigners or upper-class government servants, cannot, or will not, *deliver* development to the poor. The Bangladesh Government lacks not only the will to effect changes that would benefit the poor at the expense of the rich; it lacks the ability to implement even those programs which would help the poor at no cost to anyone. The family planners who came to our village had little interest in helping poor villagers whom they disdained, nor did their superiors. The concept of public service is completely alien to them. The aid donors are now designing programs to train better field workers, but the problem is rooted in deep social prejudices and will remain so.

Our village fared no better with food assistance. While we were in Bangladesh, hundreds of thousands of tons of rice and wheat arrived from abroad as food aid, 90 percent of which was given to the government to sell through its ration system. Only the remaining 10 percent was earmarked for relief and food-for-work projects, and not all of that reached the poor. Our village was in an area where an estimated 100,000 people starved to death in the fall of 1974. Belatedly, the government set up a few gruel kitchens in the nearest town. Villagers told us of standing in line all day only to receive a single *chapati* (an unleavened wheat cake). They charge that food intended for the hungry wound up on the black market, where it sold for exorbitant prices. Food donations from private relief organizations also often find their way to the markets. We saw milk powder, imported by a church-affiliated group for local feeding programs, selling freely "on the black" in the town bazaar.

The government ration system, outlet for the bulk

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of Bangladesh's food aid, sells food grains at subsidized prices. Who gets to buy food below the market price? One-third of the rationed food grains is allotted to members of the military, police and civil service. Another third goes to predominantly middle-class ration-card holders in politically sensitive urban areas. The final third is supposed to be sent to the countryside, but it is no secret that the dealers responsible for rationing in the rural areas sell a considerable portion of their stocks on the black market. For that very reason a dealership is a key form of local political patronage. The amount of food the people of our village could buy at the subsidized ration price was pitifully small. During the many months we were there, they were able to buy rationed food grains on only five occasions. Each time the quota was a half pound of grain per family member. As one villager remarked in disgust, "That is not enough for a single meal; it's hardly worth my time to go and buy it!"

But though food aid does little for Bangladesh's hungry poor, it is of great value to the government. Sales through the ration system are a major source of government income, providing about one-fifth of the revenue budget in 1976-77. In other words, one of foreign aid's principal functions in Bangladesh is to finance the government. Fully 80 percent of the country's development budget is supplied by aid.

The present government is a military regime headed by Chief Martial Law Administrator and self-proclaimed President Maj. Gen. Ziaur Rahman. Zia, as he is familiarly known, seized power in the wake of a convulsive army mutiny in November 1975. (Three months earlier Sheikh Mujib, the once popular "Father of the Nation" whose corrupt and nepotistic rule had provoked widespread discontent, had been killed during a coup by junior army officers.) Zia instituted martial law, promised an early return to civilian rule, and then set about "stabilizing" the country's turbulent political scene.

That has meant silencing all political opposition. In particular, Zia has tried to neutralize the JSD (Jatiyo Samajtantrik Dal: Socialist Nationalist Party), a party led by leftists who owe no allegiance to either Moscow or Peking and who split from Mujib's Awami League after independence. The JSD played a central role in the mutiny that brought Zia to power, but shortly thereafter he turned against it and imprisoned its top leadership. In July 1976 a special martial law tribunal, meeting in secret in Dacca Central Jail, convicted Col. Abu Taher, a hero of the independence war and leader of the JSD's military wing, of conspiracy for his role in the mutiny. He was hanged, in Bengal's first official political execution since the days of Great Britain's colonial rule.

To deal with opponents on both Left and Right, Zia has concentrated on strengthening his forces of repression. Expenditures for defense, justice and the police have grown from 20 percent of the revenue budget in Mujib's time to 30 percent today. Unable to rely on the politically volatile army, Zia has militarized the police, creating a 12,500-man Special Task Force to carry out "special drives, mopping-up operations and other activities requiring special training and techniques."

The military government's abuse of human rights has sparked concern abroad. After sending a mission to Bangladesh last April, Amnesty International estimated that there are 10,000 to 15,000 political prisoners in the country. Not only are jails overcrowded, with food and sanitation inadequate but political detainees are reportedly terrorized by criminal gangs operating with official connivance. Last June, 3,000 of Dacca Central Jail's 5,000 prisoners were wounded by rampaging prison guards in an incident that the government has yet to explain.

Zia's promised return to civilian rule has not materialized. He is now forming his own political party, apparently with a view to contesting elections which he says will be held later this year. He hopes these will legitimize his rule more than the "referendum" of last May, in which he claims to have won 98 percent of the vote. Meanwhile many parties, including the JSD and the Democratic League of former President Khondokar Mustaque Ahmed, remain banned. Any illusion of stability was shattered in October when mutiny again broke out in the armed forces (see "Voting with Their Guns: Mutiny in Bangladesh" by Kai Bird, *The Nation*, December 17). Hundreds were killed in ensuing mass executions, prompting Amnesty International to declare Bangladesh an area for urgent action.

Despite the deteriorating human rights situation, the United States and Britain have begun military assistance to Zia's regime. During this fiscal year, Washington is providing $200,000 for the training of Bangladesh military officers. Meanwhile, eight senior British military officers are helping to set up a military staff college north of Dacca, and the British Government is providing $1.3 million worth of communications equipment to Zia's police. While economic aid bolsters the government financially, military aid directly strengthens the regime's repressive apparatus.

Although at home Zia must rely on force of arms to maintain his power, abroad he has won praise from aid donors. His economic policies have followed guidelines laid down by the World Bank and the International Monetary Fund, including denationalization of public sector industries, streamlining of the bureaucracy and liberalization of investment opportunities. The corruption and inefficiency that characterized Mujib's regime have been reduced, and harvests have been good, so the economic situation of Bangladesh's people has temporarily eased. But, as a May 1977 World Bank study states, "The measures taken in 1975 and 1976 were essentially short-term and, while essential prerequisites, had little impact on the underlying structural problems of economic development in Bangladesh."

In their failure to help the poor of Bangladesh, the aid programs described above illuminate several of these "underlying structural problems." Unequal distribution of land means that, even if agricultural inputs are made available to all farmers, large landowners are bound to benefit more than small ones. In fact, because they have political influence, the large landowners often receive a

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disproportionate share of scarce aid-provided resources, as in the case of the tube wells. Moreover, aid programs have little to offer the growing numbers of landless. "It's hard to see much we can really do for the landless," concedes one aid official. "We try to generate some employment through rural works projects, but in the end the road you build benefits mainly the surplus farmers and the merchants, and the landless are no better off than when you started."

As the examples of family planning and food aid demonstrate, another basic problem lies in the fact that a narrowly based government, drawing support and personnel from the country's elite, is almost certain to lack the will to push measures that would help the poor. Instead of relying on Bangladesh's most plentiful resource —the labor of its people—the government relies on infusions of foreign assistance. This inevitably encourages an attitude of dependency, undermining impulses toward self-reliance.

While conceding that much aid merely lines the pockets of the rich, supporters of the programs argue that a percentage, however small, does help needy people, and that to cut it off would be to penalize the poor for their government's policies. They maintain further that Bangladesh's pressing problems demand immediate action. As one aid official puts it, "We have to do something now about food production. Otherwise we may see a major catastrophe in Bangladesh within ten years. If we wait for things to change, it may be too late."

But simply increasing the production of food won't help those who are too poor to buy it. And against whatever benefits of aid reach the needy—benefits which appear to be few and far between—one must weigh the negative effects of strengthening village landlords, financing the luxury imports and capital exports of the rich, and propping up a repressive military regime. In Bangladesh, as elsewhere, it is the poor who in the end must help themselves. And it is not heartless to propose that at this time perhaps the most we can do for them is to stay out of their way. □

LEAD POISONING, ACUTE AND CHRONIC

CHILDHOOD'S HIDDEN EPIDEMIC

ALBERT L. HUEBNER

In 1971, acting on the premise that leaded paint was by far the major cause of lead intoxication in children, Congress passed the Lead-Based Paint Poisoning Prevention Act. After several years of grossly inadequate funding, combined with administrative thwarting of implementation, the National Committee for the Prevention of Childhood Lead Poisoning concluded that the "legislation has . . . resulted in little more than revelation of the depth of the problem."

Acute lead poisoning can produce effects ranging from loss of appetite, nausea and vomiting to anemia, kidney damage, convulsions, blindness and death. Recovery is often incomplete, leaving the victim mentally retarded for life. Each year about 200 children die of lead poisoning and many thousands more show signs of toxicity. Most of these cases result from ingestion of leaded paint by children under the age of 6.

But acute poisoning is only a small part of the problem. From evidence accumulated in the past few years it is now known that supposedly nontoxic levels of lead can cause effects that are more subtle, but still very damaging. According to the National Center for Disease Control (NCDC), nearly 3 million children are exposed to lead absorption at levels which, without producing acute symptoms, will injure them seriously and perhaps permanently. As recognition of this "subclinical" poisoning has widened, so has interest in sources of lead other than interior paint.

As recently as 1970, health authorities believed there was a well-defined threshold below which lead was not toxic. That being so, childhood lead poisoning was seen as a problem generally limited to urban areas of the Northeast and a few in the Midwest, especially in regions of rundown inner-city housing, where one might expect to find peeling walls of lead-based paint. Now a California study has radically changed this picture. Using funds provided by NCDC, county health department workers collected blood samples, mostly by door-to-door canvassing, in portions of Contra Costa, Alameda and Los Angeles Counties. From these samples the California Department of Health determined that, among 1,200 children screened "in certain high-risk census tracts," excessive lead was found "at a rate of 3.6 percent in Contra Costa, 8.1 percent in Alameda, and a startling 22.7 percent in Los Angeles." Follow-up testing in Los Angeles revised the last figure to "at least 14 percent but less than 23 percent." Data coming in from programs across the country, including small cities and even rural areas, are equally alarming. Nationally, 6.5 percent of children tested in seventy-seven screening projects had lead at elevated levels in their blood, and the findings were confirmed by repeated testing.

Shortly before California undertook its project, NCDC had issued new guidelines on "normal" lead levels in children, since it had become increasingly obvious that levels once considered safe were frequently quite dan-

Albert Huebner teaches physics at California State University and does documentary programming on science and health for radio station KPFK in Los Angeles.

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gerous. If the Los Angeles data had been analyzed on the basis of earlier criteria, the reported percentage of children with excessive lead would have been sharply lower, and this silent epidemic would have gone on undetected.

What is disturbing is that the current standard may still be unacceptable. For example, a study of a group of "borderline" mentally retarded children for whom the cause of retardation was unknown, showed that their blood lead levels were significantly higher than were those of a control group of normal children. Yet the British medical journal *Lancet* reported that the average level in the retarded children was below that now considered safe.

Investigations into the relationship between hyperactivity and elevated lead levels produce similar results. Dr. Oliver David and his co-workers at the Downstate Medical Center in Brooklyn have been testing the possibility that a long-standing, slightly increased lead burden can cause hyperactivity in "susceptible children," with treatment to remove lead from the body often required at levels substantially below those considered acceptable according to *current* guidelines. This discovery led the David group to observe that "there are some children who appear to be unaffected by massive lead levels" and "others in whom a relatively small . . . elevation appears to have a profound effect." They concluded that "these findings seriously challenge the threshold concept of lead poisoning."

If *any* threshold is at best arbitrary, and relatively low levels of lead can have profound effects, the whole question of lead in the environment has to be re-examined. Old paint remains the most concentrated widespread source and is responsible for most cases of symptomatic lead poisoning in children, but other sources are everywhere; they include newspaper and magazine ink, yellow paint on pencils, toothpaste, ceramic glaze, pesticides and exhaust fumes.

Food is a major source of lead for everyone, but children run multiple risks. They ingest less lead in food than do adults, but they are much more sensitive to small amounts. In addition, recent studies indicate that children absorb lead at rates significantly higher than do adults. Finally, many foods specifically processed for children, or constituting an important part of their diet, are high in lead. Examples include canned baby foods, fruit juices and evaporated milk. And commercial infant formulas may deliver a major fraction of what is considered the permissible daily intake, in contrast to the much smaller amounts in human milk or homogenized cow's milk. Since lead in their food may leave children a narrow margin of safety, the ubiquity of other sources imposes on them an intolerable risk.

Measurements made in Shoshone County, Idaho showed that an incredible 99 percent of children between the ages of 1 and 9, who lived within 1 mile of a lead smelter, had absorbed excessive lead; 22 percent of them were in the toxic range. At a distance of between 1 and 2.5 miles from the smelter, nearly 75 percent of the children exhibited lead levels above normal, and toxic levels almost disappeared. Close correlations appeared between blood lead and the children's exposure to lead in air, soil and dust, but paint was not a significant factor in the study. This confirmed earlier results at two smelters in Toronto, where Canadian researchers concluded that "ingestion of contaminated dirt and dusts may be the major route of intake by children." Frightening in themselves, these studies point to a direct link between automobile exhaust and the incidence of lead-damaged children.

While smelters are relatively rare primary sources of lead-contaminated soil, vegetation and dust, automobiles certainly are not. More than 260,000 tons of lead went into gasoline additives in the United States during the single year of 1968; much of this was subsequently discharged into the atmosphere, where it eventually settled on soil and vegetation. The lead industry has insisted for many years that the lead contained in automotive exhaust was too widely diffused to produce undue absorption in human beings. This claim has been steadily undercut by an accumulation of evidence, first direct and then indirect, confirming the automobile's role in fouling with lead the environment that shapes children's lives.

Numerous studies in the past have shown that adults who work or live near heavy traffic have substantially higher levels of lead in their blood than do those at greater distance from the streets and highways. Current thinking continues to assume, however, that these elevated levels can be tolerated by adults, though one is tempted to wonder if this isn't part of a crumbling myth.

Then a study in Newark, where a shameful average of one child in three exhibited unsafe levels, found that those living near roadways were considerably more likely to have absorbed excessive lead than those further away. When these data were evaluated on the basis of traffic density, rather than mere proximity to roadways, the correlation was even more striking. These results were predictable. According to an Environmental Protection Agency report released several years ago, "Samples of dirt and dust collected from the streets of urban areas reveal concentrations of lead far greater than those considered at the limits of safety in paint by the Food and Drug Administration." One source estimated that daily ingestion of a small fraction of a teaspoon of dust from within 100 feet of a busy roadway would produce lead poisoning within a period of eight months in a 1-year-old child.

An ironic additional insult to the lead-burdened environment has now appeared. Urban gardening has been suggested as an important source of wholesome and inexpensive food, and a federally supported program to encourage urban gardens is now operating in six cities and will soon be expanded to four more. But environmental groups and state agencies in Boston and New York have become sufficiently concerned about lead in soil and on produce to have samples of both analyzed. The test procedure and its interpretation are complicated, so that the findings to date have been inconclusive. Nevertheless, the Massachusetts Department of Food and Agriculture has seen fit to issue a list of methods whereby urban gardeners may keep lead contamination to a minimum.

Its ubiquity, the variation in individual susceptibility

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to low levels of exposure, and the specific vulnerability of children—high gastrointestinal absorption and retention, pronounced hand-to-mouth activity during the first years of life, exceptional sensitivity of the immature brain and nervous system—have made lead a threat outside, as well as within, the inner city "lead belt." Surveys in Baltimore and Philadelphia showed that as many as 40 percent of the children with excess lead came from outside slum areas.

However, as with most other childhood maladies, those raised in poverty bear the greatest burden. Each link in the chain of circumstances leading to elevated body lead is influenced by poverty in a way that increases the risk. The most obvious association is that the children of the poor are most likely to live in run-down housing, or in housing closest to heavily used streets, and to the most intense industrial sources. But that isn't all. There is considerable evidence that nutritional inadequacies promote susceptibility to lead toxicity. Iron deficiency seems to increase both the absorption and the retention of lead. Inadequate protein has a similar effect, as does calcium deficiency, which appears to reroute lead from the bone, where it is inert, to the soft tissues, where it may trigger acute toxic effects. Lack of iron may influence lead absorption in another way. The ingestion of nonfood items plays an important role in causing excessive lead intake among small children, and there is evidence that nutritional anemia intensifies the habit. Increased ingestion of environmental lead then compounds the anemia, completing the cycle.

A better understanding of the prevalence of lead in children and its relationship to hyperactivity, learning disabilities and reduced attention span come about concurrently with another development. All across the country educators and parents are deploring the steady decline in reading and mathematical skills during the past decade. Pressure has been building for a move "back to basics." A move back to "fundamental schools" is underway in many school districts. A major national study of the decline in student standardized test scores, while cautioning against an unstudied return to the basics, issued findings late last year that are likely to lead in precisely that direction. The panel, headed by former U.S. Labor Secretary Willard Wirtz, cited the changing composition of those taking Scholastic Aptitude Tests (SATs) as a major factor in the initial decline, and the erosion of academic standards as the chief reason after 1970.

The push for more attention to basic subjects and higher academic standards is being intensified by decisions and pronouncements further up the educational ladder. The University of California's Board of Regents responded a few months ago to declining SAT scores by voting to tighten admission standards. The new rules will give greater weight to standardized tests and require more concentration on basic subjects in high school. U.C. President David Saxon, who had recommended the new requirements to the board, characterized declining scholastic achievements as the "most desperate, urgent social problem of our time."

A few months earlier, John R. Silber, president of Boston University, had expressed a similar idea. In an article titled "The Need for Elite Education" (*Harper's*, June 1977) he urged that the "only standard of performance that can sustain a free society is excellence." High standards, however, had been sacrificed "out of a well-intentioned but inept concern with equality of opportunity." The solution, he concluded, is a return to past academic standards to end our "flight from excellence."

Striving for excellence and attempting to reverse the decline in scholastic achievement are unimpeachable goals. It's likely that fundamental skills should be more heavily emphasized, and it's even possible that some changes in academic standards are in order. Unfortunately, the current crescendo of arguments for fundamentalist education and higher standards suggests the beguiling prospect of an easily implemented two-step program that will solve the problem. In doing so, they encourage, however unwittingly, continued neglect of the health hazards that plague millions of children, of which lead is one important element. Yet childhood health deficit and its frequent companions, inadequate nutrition and substandard housing, are major obstacles to academic achievement, not to mention fulfilled lives. As health department staff members noted of the Los Angeles district they screened, "One must . . . consider the additional burden on these communities in their struggle for social and economic equality when, as a result of elevated blood lead levels, many of their youth cannot compete favorably in school or on the job."

Decades of neglecting lead-burdened children, modified more recently to a weak program emasculated by insufficient funding, has created a tragic situation. Lead poisoning killed and crippled more children than did polio before the advent of the Salk vaccine. The new awareness of subclinical disabilities only makes the overall picture that much worse. Dedicated health workers in many parts of the country have managed to screen a narrow sample of children, secure treatment for those who need it, and educate parents about the problem. But the children then return to the same hostile environment and it is difficult to believe that much headway has been made. In Los Angeles, target areas certain to contain many children at risk have been spotted a lot more easily than sources of funds to screen them. The pattern is the same in other urban areas.

A few years ago, Dr. Herbert Needleman, professor of psychiatry at Harvard Medical School and a researcher in lead poisoning and brain damage wrote, "Lead poisoning, unlike genetic, infectious or metabolic disease, is not a biologic mystery. No double helix needs unraveling. . . . It is a completely preventable disease; the mystery resides in its continued existence."

Actually, its continued existence is not much of a mystery. The concerns of a scattering of public health workers have been no match for a variety of vested interests, greatly abetted by public ignorance of the silent epidemic. Now that the silence is being broken we can hope that concern for children will prevail over complacent self-interest. □

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BOOKS & THE ARTS

Black Workers, the Law, and White Unions

BLACK LABOR AND THE AMERICAN LEGAL SYSTEM, Volume I. *By Herbert Hill, Bureau of National Affairs. 472 pp. $17.50.*

STAUGHTON LYND

Racial discrimination in employment is a much-treated matter, but Herbert Hill offers important new ideas and new information on its legislative and institutional history. This is the first of two volumes. Volume II, forthcoming, will emphasize Title VII of the Civil Rights Act of 1964. The present volume treats all the significant previous legislation: the Civil Rights Act of 1866; the National Labor Relations Act; and the Fair Employment Practice Committee of World War II.

Hill demonstrates the systematic participation of the national and state governments, and of labor unions in discriminatory practices. Even when states finally passed fair-employment statutes, Hill shows that they were ineffectively administered because of an overemphasis on conciliation. Like William Gould in *Black Workers in White Unions*, Hill bitterly attacks the resistance of organized labor to the claims of blacks; and because Hill's research took him further back in time, he adds important elements to the analysis.

Nor does the national government escape Hill's critique. One of the most valuable sections in the book explains why civil rights organizations opposed the Wagner Act. Blacks found that earlier New Deal programs had had a negative effect on black employment: "Because the Federal Government failed to require or enforce equal racial access to government-created jobs, the ultimate effect of the New Deal employment programs was to widen the gap between the economic condition of black and white workers." More specifically, the National Recovery Administration of 1933 excluded agricultural and domestic work, where more than 70 percent of black workers labored. The sole black employee of the NRA was dismissed when she insisted on investigating, personally, code violations in the South. The Federal Re-employment Service director for Savannah, Ga. opined: "Any nigger who gets over $8 a week is a spoiled nigger." Hence, Professor Hill relates, "[when] the NRA was struck down by the Supreme Court in 1935, there was cause for celebration in the Negro community."

The Wagner Act was enacted to replace Section 7a of the NRA. Citing Max Weber and C. Wright Mills, Hill argues that black organizations correctly anticipated that the effect of increased government regulation of collective bargaining would be to legitimize and protect, not to extirpate, the racist practices of American unions. "Neither the National Labor Relations Act nor the Railway Labor Act contained provisions for the protection of minority interests from the rule of the majority; neither specifically prohibited racial discrimination in employment; and neither contained express provisions requiring unions to represent their constituents fairly in negotiating and executing bargaining agreements." As a result, the NAACP and the Urban League, among others, vigorously opposed the Wagner Act.

But first, black organizations attempted to amend the Act by including an anti-discrimination clause. They argued that the National Labor Relations Board should refuse to certify a union which practiced racial discrimination; that a union which exeluded blacks from membership should not be considered a "labor organization" for purposes of the Act, and that it should be an unfair labor practice to bar workers from membership in a union for reasons of race or creed. Roy Wilkins objected on behalf of the NAACP that the proposed bill, by legalizing the closed shop, would sanction the exclusion from work of blacks ineligible for membership in many unions.

According to Professor Hill, Leon Keyserling, then Senator Wagner's secretary, informed Walter White that as initially drafted the Act provided that the closed shop would be legal only when there were no restrictions upon membership in the labor union to which the majority of the bargaining unit belonged. The American Federation of Labor "fought bitterly to eliminate this clause," Keyserling added. In a telegram to President Roosevelt, White stated that "we rely on you to prevent [the] sacrifice of [the] Negro to Jim Crow unionism." But the President signed the bill into law without the anti-discrimination clause.

At first, Professor Hill indicates, the National Labor Relations Board made some attempt to use its powers on behalf of black workers. "In 1938, in *American Tobacco Company* (9 NLRB 579, 3 LRRM 308), the board refused to conduct a certification election because of racial segregation, and in 1943, in *Bethlehem Alameda Shipyard, Inc.* (53 NLRB 999, 13 LRRM 139), the board deferred an election because the petitioning union had refused to admit black and Chinese employees into union membership." Thereafter the board became silent on racial matters, until, simultaneously with the civil rights movement of the 1960s and the passage of Title VII, it rediscovered the authority which, as Hill shows, it had in fact exercised thirty years before. But even today the board has yet to adopt a clear-cut position that racial discrimination should disqualify a union from access to the National Labor Relations Board. Indeed, in decisions subsequent to the publication of this book, *Handy Andy, Inc.* (228 NLRB No. 59, 94 LRRM 1354), and *Bell & Howell Company* (230 NLRB No. 57, 95 LRRM 1333), the board held that it was not constitutionally required to consider claims of union racial discrimination before certifying the union as a bargaining representative and requiring the employer to bargain with it. Frustrated before the National Labor Relations Board, black workers have perforce turned to the more expensive remedy of court action.

The most important court decision in the period treated by this volume was *Steele* v. *Louisville & Nashville R.R.* (323 U.S. 192, 1944), a case which may have been for the law of employment discrimination what *Brown* was for discrimination in schools. The climate for the decision was created by the investigation of the railroad industry by the Fair Employment Practices Committee.

Staughton Lynd, a long-time civil rights and peace activist, and formerly an American historian, is now a labor lawyer in Youngstown, Ohio.

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The railroad brotherhoods, unions for engineers, conductors, firemen and trainmen, all excluded blacks. Nevertheless, in 1910 blacks constituted 6.8 percent of the firemen and 41.1 percent of the trainmen. The unions thereupon embarked on a campaign of ridding the railroads of all blacks, for which Hill uses the term "occupational eviction," and Richard Kluger, in his *Simple Justice*, "industrial genocide." The passage of the Railway Labor Act in 1926, enabling the unions to exclude blacks by collective bargaining agreement with the employers, operated to the disadvantage of blacks.

During the early depression years, as cutbacks intensified competition for jobs, blacks were eliminated from railroad work in some Southern states by the straightforward expedient of killing them. Firemen were a particular target, since the automatic stoker had made the job cleaner and easier, and for the first time desirable to whites. At least ten blacks, many firemen, were killed between September 7, 1931 and July 10, 1934. Aaron Williams was shot dead in the Vicksburg, Miss. yard after refusing to sign away his seniority rights. *The Nation* reported in its issue of July 12, 1933:

> Frank Kincaid, Negro fireman on the Mississippi division of the Illinois Central Railroad, climbed into the cab of "The Creole" as crews were being changed late one night in Canton, twenty-five miles north of Jackson, the capital of Mississippi. Against the lighted window he made a perfect target for a gunman in the darkness outside. A shotgun belched a load of buckshot into the Negro's head and he fell back into the coal tender to die. A white man took his place, and "The Creole" pulled out for New Orleans. . . .
>
> Ed Cole, a Negro fireman on the same division, stepped at night from his cab to throw a switch at Water Valley junction. From behind the curtains of an unlighted automobile that drew up beside the track a shotgun roared, and Ed fell over the switch to die. A white man took his place in the cab. . . .

Collective bargaining provided a genteel means for generalizing this process. In 1941 the Brotherhood of Locomotive Firemen and Enginemen signed an agreement with nine Southern railroads barring black firemen from employment in trains pulled by the new Diesel locomotives. The National Mediation Board approved the contract. And B.W. Steele, a fireman who worked in Alabama for the Louisville & Nashville Railroad, brought suit.

The case was argued to the Supreme Court of Alabama by the celebrated black attorney Charles W. Houston. As Kluger tells the tale, "the chief justice remarked that it was the first time in his twenty-nine years on that tribunal that a Negro lawyer had appeared before it. The pleasantries over, the Alabama high court then ruled against the Negro workers."

However, the Supreme Court of the United States unanimously reversed. But unable to find any language in the Railway Labor Act to justify their holding, and unwilling to condemn an agreement between private employers and a union as "state action" in viola-

SON

As the shadow closed on the face once my father's
three times leaning forward far off she called
Good night in a whisper from before I was born
later through the burial a wren went on singing

then it was that I left for the coast to live
a single long mountain close to the shore
from it the sun rose and everyone there asked me
who I was I asked them who they were

at that time I found the cave under the mountain
drawings still on the walls carved fragments in the dirt
all my days I spent there groping in the floor
but some who came from nearby were wrecking the place for a game
garbage through holes overhead broken cars and dead animals
in the evenings they rolled huge rocks down to smash the roof
nothing that I could do kept them from it for long

the old story the old story

and in the mornings the cave full of new daylight

W. S. Merwin

Contest For New Poets

"Discovery—THE NATION, '78" has been opened jointly by The Poetry Center of the 92nd Street YM-YWHA in New York City and THE NATION. The competition, now in its fourth year, represents a fusion of The Poetry Center's "Discovery" contest and THE NATION's poetry prize. It is designed to attract larger audiences for young poets through the combined media of publication and poetry recital.

WINNERS of the 1977 contest were Sharon Bryan, James Galvin, Jeffrey Greene and Debora Greger. They gave a group reading at The Poetry Center on May 2, and had their poems published in THE NATION on April 30.

Contest Information

OPEN to poets whose work has not yet been published in book form. Book form includes chapbooks (small editions) and self-published books.

REQUIREMENTS: Ten poems (not more than 500 lines) of original poetry in English are to be submitted.

THE AWARDS: Each of the four winners will receive an honorarium of $50 and will be invited to read at The Poetry Center on Monday, May 8, 1978. Each winner will have one previously unpublished poem printed in THE NATION magazine.

MANUSCRIPT DETAILS: Submit four complete sets of the ten poems, each set securely fastened. Your name, biographical information and information indicating whether a particular poem has been published should not appear on the poems. Rather, a separate cover page should include your name, address and phone number. Manuscripts will not be returned, so please retain a copy of your submission. THE NATION reserves the right to publish at its regular rates any previously unpublished poems.

JUDGING will take place in April; winners will be chosen by judges whose names will be announced after the contest is over.

DEADLINE for receipt of poems has been extended to March 4.

SEND ALL ENTRIES TO: The Poetry Center of the 92nd Street YM-YWHA, 1395 Lexington Ave., New York, N.Y. 10028. Direct inquiries to Betsy Dunn, Assistant to the Director, The Poetry Center.

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tion of the Constitution, the Justices, in effect, condemned the unfair representation of black workers by white unions as contrary to public policy.

A union, said the Supreme Court, can be compared to a legislature. Just as a legislature has a duty to represent *all* the citizens in its jurisdiction, so a union, certified by government as the exclusive bargaining representative of all workers in an appropriate bargaining unit, has an implicit duty fairly to represent *all* of them, whether or not members of the union. The law

> imposes upon the statutory representative of a craft at least as exacting a duty to protect equally the interests of a member of the craft as the Constitution imposes upon a legislature to give equal protection to the interests of those for whom it legislates.

Justice Murphy, concurring, would have gone further and declared the Brotherhood in violation of the Constitution.

This was the furthest this nation was prepared to go for its black workers prior to the passage of Title VII. It was not far. As Hill rightly insists, *Steele* was a "separate but equal" decision: it did not require unions to accept blacks as members, only to represent them fairly. This was like telling the British Parliament in 1775 that the American colonists did not need to be represented so long as it did right by them. Nor did the new "duty of fair representation" include any mechanism for enforcement, except, as before, by seriatim and expensive litigation.

At the end of World War II the Fair Employment Practice Committee was discontinued. Black workers, like other Americans, entered the period of the cold war: except that the cold war for black workers had gone on continuously since 1620. □

The War Among the Liberals

CRISIS ON THE LEFT: Cold War Politics and American Liberals, 1947-1954. *By Mary Sperling McAuliffe. University of Massachusetts Press. 224 pp. $12.50.*

CAREY McWILLIAMS

It would be unfortunate if this valuable study were to be buried in the avalanche of dissertations that now issue from the university presses. To be sure it is a work of conventional scholarship: carefully researched, impeccably documented, scrupulously fair in its presentation, and judicious in its limited comments and conclusions. And like all such works it is not written in a manner that will fascinate or entertain the general reader. Nevertheless it has an important story to tell which has a bearing on today's political stalemate and it tells this story well. Liberals and radicals will read it with intense interest for it recaptures, with clarity and insight, an important chapter in their political experience.

Throughout its history, the American Left has contained, as the author notes, "a turbulent mixture of overlapping political creeds of enormous diversity and complexity." The depression and the ferment of the Roosevelt years, the rise of fascism, and World War II, seemed to have drawn these diverse elements together. But whatever unity had been achieved was quickly disrupted by the onset of the cold war and a government witch hunt even more damaging than the one in 1919-20 which had checked the Populist and Debs movements of the turn of the century. McAuliffe traces, with meticulous detail, this eclipse of the radical and Left-liberal movements in the years from 1947 to 1954.

One merit of this study is its ability to retrace patterns of events that can be seen with much greater clarity now than they could then. A long section —one of the most important—tells the story of how the CIO was pressured into ousting the left-wing unions, an action which initiated the "coordination" of the American labor movement. These leftist unions represented a significant section of the CIO membership; they were well run and their leaders included some of the ablest American trade unionists such as Harry Bridges, Julius Emspak and Ben Gold. For a time Phil Murray temporized but having decided to support Truman, he yielded to "anti-Communist" pressures from within the CIO, the press, and government agencies, and ordered the ouster of the left-wing unions. The real issue, of course, was not trade unionism but politics; the CIO's anti-Communist majority was no longer prepared to tolerate left-wing dissent on either foreign or domestic policy. The effect of the ousters was to align the CIO with the cold-war policies of the Truman administration. Meany's election as president of the AFL in 1952 merely formalized the relationship; thereafter organized labor was a junior partner in the cold-war enterprise. As the author writes: "the politics of anti-communism had triumphed in the CIO." Without a substantial base in the labor movement, the prospects of mounting a serious "Left" criticism of the Truman administration's cold-war policies had been eclipsed.

The thrust of this section might have been clarified by a brief flashback to the 1919-20 witch hunt. Labor emerged from World War I, as from World War II, with a long list of accumulated grievances and deferred claims, and some vague talk of "nationalizing" the railroads and the mines. As a result of the "Red Scare" the labor movement lost a million members; the "open-shop" movement spread; in fact labor did not recover from the setbacks of the 1920s until the National Labor Relations Act was passed in 1935. After 1945, labor again had a long list of accumulated grievances and deferred claims but it could not be curbed as easily as in the early 1920s because of the labor legislation of the Roosevelt years. So the Establishment had to use different tactics: instead of a frontal attack, it forced the CIO to purge its ranks, adopted the Taft-Hartley Act, and shrewdly enlisted the top labor leadership in the cold war. But a glance at the current ratio of organized to unorganized workers in the work force demonstrates that the labor movement has not flourished while a "captive" of cold-war forces.

Another invaluable section of the book tells the story of what happened to the defenders of civil liberties in the early years of the cold war. Essentially the same pattern prevailed. Internal pressures from "anti-Communist" elements within the ACLU, combined with similar external pressures, induced the organization to vacillate on the political rights of Communists and those accused of being or once having been Communists. In case after case the ACLU backed away from earlier commitments, delayed action until it became meaningless and, in some cases, defaulted on its obligation to defend rights guaranteed by the First Amendment. This unhappy phase of the history of the ACLU is well told, including the gallant efforts of members such as Osmond Fraenkel, Corliss Lamont and John Finerty to hold the organization to its original course. As with the CIO, the effect was to increase pressures on those individuals and organizations under attack. This in turn limited the area of permissible public debate in a way that made it almost impossible to

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mount a credible opposition to cold-war foreign and domestic policies. After 1954 the ACLU recovered from its "failure of nerve" thanks to strong prodding from its unintimidated local affiliates, but by then most of the damage had been done.

There is also an excellent section on the "cultural cold war," including the sordid history of the American Committee for Cultural Freedom. The "anti-Communist" antics of the ACCF were so grotesque as to prompt resignations and considerable internal dissension even before it was disclosed that the Congress of Cultural Freedom and its American affiliate had been the beneficiaries of covert CIA funding. McAuliffe sums up the "cultural cold war" by saying that throughout its history the ACCF equated anti-communism with cultural freedom and in the name of defending freedom, attempted to curtail individual freedom of thought, speech and association. In part because of its activities, the intellectual community was divided and a section enlisted with the cold warriors for the duration. "As a result," McAuliffe writes, "the intellectual community during the postwar years suffered from endless conflict, great personal hostilities, and a general willingness on the part of too many creative thinkers to exchange their individualism —and that of others—for a single and narrow mode of thought and action. That this exchange was made in the name of fighting totalitarianism was just another of the many ironies of the postwar years."

Let me inject some personal history into McAuliffe's account of the "Greenberg letter" and *The Nation*'s suit against *The New Leader*. McAuliffe overlooks one important consideration. Clement Greenberg had implied in his letter that J. Alvarez del Vayo, the foreign editor of *The Nation*, was some kind of Soviet agent. To anyone who knew del Vayo this charge was self-evident nonsense and might well have been ignored; at least I thought so. But del Vayo was a "stateless refugee" at the time and subject to instant deportation as a result of the prevailing witch hunt. In initiating court action, Freda Kirchwey, editor of *The Nation*, acted as much to protect the del Vayos from government action as to fend off the libel implicit in the letter. In accepting the editorship of *The Nation* in 1955, I made it a condition that the action would be dismissed with neither party making any retractions and each bearing its own costs.

McAuliffe is especially good at describing the abject way in which the liberal Democrats in Congress caved in to "anti-Communist" pressures. In 1950 liberals thought it might be possible to out-redbait the redbaiters by opting for the vicious Internal Security Act. But the tactic failed. Then in 1954 they repeated the same mistake by offering an

Two Poems by Vicente Aleixandre

Translated from the Spanish by WILLIS BARNSTONE and DAVID GARRISON

THE POET REMEMBERS HIS LIFE

"To die, to sleep; to sleep:
perchance to dream."—*Hamlet*

Forgive me: I was asleep.
And to sleep is not to live. Peace to men.
To live is not to sigh or to foresee words which
may still live in us.
Do we live in them? Words die.
They ring beautifully but never last.
Like this bright night. Yesterday when the dawn,
or when the completed day extends its last
ray, and perhaps strikes your face.
With a sable brush of light it closes your eyes.
Sleep:
the night is long, but now is over.

(from *Poemas de la consumación*)

A FEW WORDS

I would say
a few words in your ear. An indecisive man has little
faith.
To live much is a dark way, and suddenly to know
is not to know oneself.
But even so I would talk. For my eyes repeat
what they copy:
your beauty, your name, the river sound, the forest
the soul by itself.

He saw it all and they have it. That's what the eyes say.
They respond to whoever sees them. But they never
ask.
Because if they keep on taking
color from light, mud from gold,
and clear dregs from every taste,
then they must know kisses, noises, smells
and have seen great trees, silent
whispers,
dead bonfires, embers, veins, ash,
and the sea, down to its floor, with its slow
thorns,
remains of lovely bodies that beaches wash up.
A few words, while someone keeps still:
wind in the leaves as I kiss
your lips.
Some bright words as I sleep in your lap.
Water humming on the stones. Meanwhile,
quiet, I am dead.

(from *Poemas de la consumación*)

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amendment to the Butler Act to outlaw the Communist Party. This craven and stupid maneuver was designed to protect liberal Democrats up for re-election in 1954. To their surprise, Butler quickly adopted the amendment, adding it to his already repressive legislation.

In summing up, McAuliffe writes: "For years the American leftists had fought to defend fundamental civil liberties and then, in response to grave international danger, as well as attacks from the political Right, the majority of liberals at mid-century became reluctant to defend the rights of the least popular left-wing minority. The liberals' failure to defend these liberties was, given the great fears and pressures of the cold war, explainable and even understandable. Nevertheless, liberal failure in this important instance marked a loss not only for the American Left but for the nation as a whole." To this charitable conclusion, I would add this comment: how great a price was paid for a moribund Left can now be perceived more fully in recent disclosures about the FBI, the CIA, the Imperial Presidency, Watergate, and the tragic war in Vietnam. And I would also include in the "loss column," the stalemate in American politics which exists today. In the absence of any strong countervailing pressure from the Left, a well-organized, well-financed Right keeps both major parties anchored to a dead-center conservative consensus. The split and decline of American Liberalism happened "only yesterday," but much of it has been forgotten; a fresh look at the record in the wake of Watergate and the American withdrawal from Vietnam is, therefore, very much in order. □

More Despondency Than Madness

REMEMBERING POETS: Reminiscences and Opinions. *By Donald Hall. Harper & Row. 253 pp. $10.*

WILLIAM PRITCHARD

The poets Donald Hall sets about remembering are Dylan Thomas, Robert Frost, T.S. Eliot, and Ezra Pound, with the shortest space given to Thomas and the longest to Pound. Also included are his *Paris Review* interviews of Eliot and Pound. In the book's conclusion Hall asks us to consider Wordsworth's couplet from "Resolution and Independence"—"We poets in our youth begin in gladness:/ But thereof come in the end despondency and madness"—but does not quite develop what seems to me the most interesting idea these lines entertain: that the very "gladness," the large, extravagant genius great poets are blessed with (they have more soul, more "genial spirits" as well as more right words) may have to be correspondingly paid for in the end. As another two lines in the Wordsworth poem put it—"As high as we have mounted in delight/ In our dejection do we sink as low." We are to understand from Hall that "artists of vast ambition seldom die happy"; though I am not sure this distinguishes them from the rest of us. At any rate it doesn't really locate what is attractive and life-giving about Hall's book.

Much of that attractiveness lies in the way the great poets' extravagances (I except Thomas from the greatness, but allow him the extravagance) are played off against Donald Hall, young poet and poetry entrepreneur (I remember he once ran a notice in *The New York Times Book Review* asking for poems written about the Hungarian Revolution so he could get up an anthology of them) who as a young man was not above ending a poem with the crashing truth "Man lives by love, and not by metaphor," or calling a poem about his first child "Epigenethlion" and referring to the lad in the first line as "My son, my executioner." Put this fellow down in 24, Russell Sq., September 1951, and let him visit the offices of Faber & Faber on Eliot's invitation. At this time Mr. Hall had already edited an anthology of Harvard *Advocate* verse and once taken Mr. Eliot to an *Advocate* party (an experience denied to most of us) from which Eliot emerged sober. And now Eliot has courteously looked over Hall's poems, made some suggestions, and after an hour bid the young man goodbye. Since Hall, like Eliot forty years ago, is going from Harvard to Oxford there should be some sage advice to be handed on: "He paused delicately, shrewdly, while I waited with greed for the words which I would repeat for the rest of my life, the advice from elder to younger, setting me on the road of emulation. When he had ticked off the comedian's exact milliseconds of pause, he said, "Have you any long underwear?" Hall says he bought some on the way back to his hotel, and who are we to disbelieve him?

The best moments from the Eliot chapter are gossipy looks at Harvard behind closed doors, as when Hall takes the poet to dinner at the Junior Fellows' quarters in Eliot House: "It was an unwritten rule that dinner guests be eminent" says Hall (though I managed to get invited once and met Donald Hall!). Good sherry first, but suddenly there is Oscar Williams, the anthologist who has been invited by another Fellow on the mistaken assumption that Eliot would want to meet him. Hall is forced to introduce them, while Prof. Arthur Darby Nock looks on, and Eliot, putting on his most English voice, says to Williams (whose books featured pictures of the poets) "Ah, yes . . . I recognize you from your photographs." Another Fellow, Geoffrey Bush, when asked if he had sat next to Eliot at dinner is quoted as replying, "I couldn't . . . John Hollander was sitting on both sides of him." As you see, there is more remembered in this book than merely the great poets.

The reminiscences begin rather weakly with yet another account of drinking with Dylan Thomas, notable mainly for a moment when Dylan tells Hall how badly he behaved (in 1950) at a party for him given by F.O. Matthiessen. When Hall points out that Matthiessen committed suicide a month later, Thomas rejoins, in a tone we must imagine for ourselves, "My God, was I *that* bad?" Otherwise this tale of self-destruction has been heard before and shows mainly that Thomas just doesn't belong in the good company (Frost, Eliot, Pound) Hall surrounds him with.

The chapter on Frost is a lively one, helped a lot by its lively subject. Hall is good on chastising critics who, under the influence of the "blunt-witted" Lawrence Thompson, Frost's biographer, rush out to deplore the poet's character; and he himself provides a well-rounded picture of Frost as ungiving *and* generous, vain *and* magnanimous. At only a couple of spots does Hall sound a shade corny and credulous: once when (comparing Frost with Thomas) Hall intones "For all his outrageous vanity, Robert Frost is admirable, who looked into his desert places, who confronted his desire to enter the oblivion of the snowy woods, and who drove on." Yes indeed, but put this way all the style goes out of it. The other instance is when Hall claims (on Frost's insistence?) that when the Chinese attacked in Korea and forced the Americans into

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William Pritchard, professor of English at Amherst College, is the author of Seeing Through Everything: English Writers 1918-1940 *(Oxford).*

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a massive retreat, Frost "wept for three days." Better to hear Frost on why he wouldn't go to a Robert and Ethel Kennedy party: "They throw each other in the pool. I would have been ashamed. Not for them, for myself."

But the best section of the book, ending with a fine tribute to the poet, is "Fragments of Ezra Pound." Hall went to Rome in 1960 to interview Pound and was greeted by an old man who said "You have driven—all the way—from England—to find a man—who is only fragments." Hall's account of the interview and attendant social intercourse reveals how Pound's bursts of energy alternated with extreme lassitude, depression, and the conviction that it had all been an awful mistake. "Don't—let me sound—so tired" he asks Hall, who has already said to his wife about Pound, "You know, I think he's *lonely*." But they all go out to dinner together, Pound buys them ice cream afterward, tries to direct Hall to the Circus Maximus as a spot to conclude the interview (unsuccessful, they settle for the Baths of Caracalla). Eventually Pound takes leave of his new friend, entering the elevator to his flat, and mouths goodbye as the elevator ascends. Moments like these, if they do not convincingly support the big point Hall wants to organize the book around ("At the end of the lives of our great poets, the domestic life is a desert of anguish") perform the more important task of making real those presences which we can know only through passion, piety or affection. □

The Machineries of Control

DISCIPLINE AND PUNISH: The Birth of the Prison. *By Michel Foucault. Translated by Alan Sheridan. Pantheon. 333 pp. $10.95.*

BRUCE JACKSON

Many social scientists have looked with care and skill at the ways public institutions work; I know of none who has accomplished Foucault's extraordinary analyses of how they developed. If one is concerned with altering institutions the difference is critical: a program or cure based only on current perceptions can do no more than treat symptoms. Foucault works to uncover, to unearth. He examines the institutions of his own society the way an archaeologist examines a foreign dig. This requires a kind of distance few of us can afford. Though Foucault lives comfortably within a complex bureaucratic society (his chair at the Collège de France is one of the most prestigious appointments in the academic world), his vision is convincingly that of an outsider.

He applies the term *archaeological* to his own work, and he objects strenuously to American and European critics who insist on referring to him as a structuralist philosopher. The epithet is reductive; it misses the point of what he is doing. Structuralism is a way of interpreting data; Foucault insists that he is uncovering it. His method also transcends political and geographical labels: the processes revealed in *Discipline and Punish* are as central to institutional life in the Soviet Union and Bulgaria as they are to institutional life in France and the United States. If accused of writing from a political position, Foucault would argue that he is merely revealing a process, not recommending it; for all his passion, his mode is finally scientific, not polemical.

Like an archaeologist examining a modern town built upon the ruins of forgotten societies, he finds that the present never fully explains itself: each level necessarily incorporates and responds to the detritus of the past. All our institutions, however deplorable or puzzling their current behavior, make sense, but the secret of the order is not found by watching the institutions perform their daily work. Rather, one must carefully uncover the fragments of thought that have made them what they have become.

Discipline and Punish is not so much an account of the invention of the prison as it is a history of the invention of controlling individuals within a complex society. A footnote to the last sentence of the French edition says the study is meant to "serve as a historical background to various studies of the power of normalization and the formation of knowledge in modern society." The French title—*Surveiller et punir*—is perhaps more useful than the English: the book deals with development of institutions that watch, collect and sanction. The birth of the prison is the nominal subject, but the book really explores those qualities of prison—the carceral—which may be found in various social institutions.

Sometime around the end of the 18th century, the ritual of torturing criminals in public was replaced by complex codes that regulated in splendid detail all the physical movements and behavioral options of the convict. The change was rapid, almost convulsive: ". . . a few decades saw the disappearance of the tortured, dismembered, amputated body, symbolically branded on face or shoulder, exposed alive or dead to public view. The body as the major target of penal repression disappeared." In a twenty-two-year period beginning in 1769, new criminal codes based on new moral or political structures appeared in Russia, Tuscany, Austria, France, Prussia and Pennsylvania. The changes represented a new kind of power, a kind that could not exist in society without an extraordinary amount of information available. Foucault examines how society began accumulating information on its members, and how that information was immediately translated into the machineries of control, machineries which in turn permitted accumulation of even more information.

The most public part of the earlier judicial process had been the punishment, the execution; now, the trial became visible and the punishment was hidden and secret. Before the reforms the crime was punished upon the body of the offender, but the new technology of long-term observation and continuous control permitted the idea of reforming the guilty. A physical model for the shift was Jeremy Bentham's *Panopticon*: an architectural design in which any group—prisoners, students, patients, factory workers—might be kept in continual isolation from one another but under constant surveillance by guards or managers. Finally, there was a shift in attention from the criminal *act* to the delinquent *person*, a change that makes possible the modern prison and all its extensions.

At the end of the 18th century, prison was only one of several penalties invented by reformers to replace the public spectacles of torture and death. Some of those other penalties not only required the offender to suffer and do useful work but also to serve as a visible reminder to noncriminals of the state's right and power to reform and punish. But very quickly the prison—the most coercive and most secret of the punitive options—became the dominant technique for dealing with criminal guilt.

Bruce Jackson is director of the Center for Studies in American Culture at the State University of New York at Buffalo. His most recent book is Killing Time: Life in the Arkansas Penitentiary *(Cornell University Press).*

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Prison, more than any other institution, exercises and articulates the disciplinary model. One is sent to prison because of an act, but once there, one is a "delinquent," and it is that quality of delinquency—a career rather than an act—that is controlled, watched, punished. Prison was the place where the new technology of discipline would be exercised to its fullest potential and it was, simultaneously, the institution most fully defined and empowered by that same technology.

In such a context, prison labor—notoriously inefficient, costly and frustrating—comes to make perfect sense. The labor is required not to obtain useful work from the condemned but rather to affirm the power of the disciplinary organization. That is why the reward in prison for the "good convict," the one who plays the game properly, is relief from work: only the losers are forced to work in the cotton fields or license-plate factories. The goal of prison labor is neither to make money nor to teach an abstract ethic of work; it is rather to teach and enforce submission, to demonstrate institutional adjustment, to reveal acceptance of the fact of discipline. If the labor also makes money for the prison, that is a bonus. The individual who properly accepts the idea of discipline receives wondrous rewards: easier jobs (which always earn more good time than the harder jobs assigned recalcitrants or new inmates who haven't yet proven themselves), early parole, unspoken permission to engage in technically illegitimate and rule-breaking activities of certain kinds (manufacturing prison beer, maintaining sexual homosexual relationships, gambling). Most inmates returned to prison from parole aren't sent back because of new crimes; they are returned for technical violations of parole, for having failed to continue adequately submitting to the corrective discipline. Prison enforces and reinforces itself in a spiraling tautology.

The job of prison is not merely the reform or rehabilitation of criminals while they are being punished by loss of liberty. If that were the case, the institutions would not have survived so many attempts at reform. For more than 150 years, reformers have lamented the "failure" of prisons. Foucault suggests they continue to miss the point: they should instead inquire about the functions served by so obvious a failure. He sees the penitentiary as an integral part of a larger social interest in observation and control.

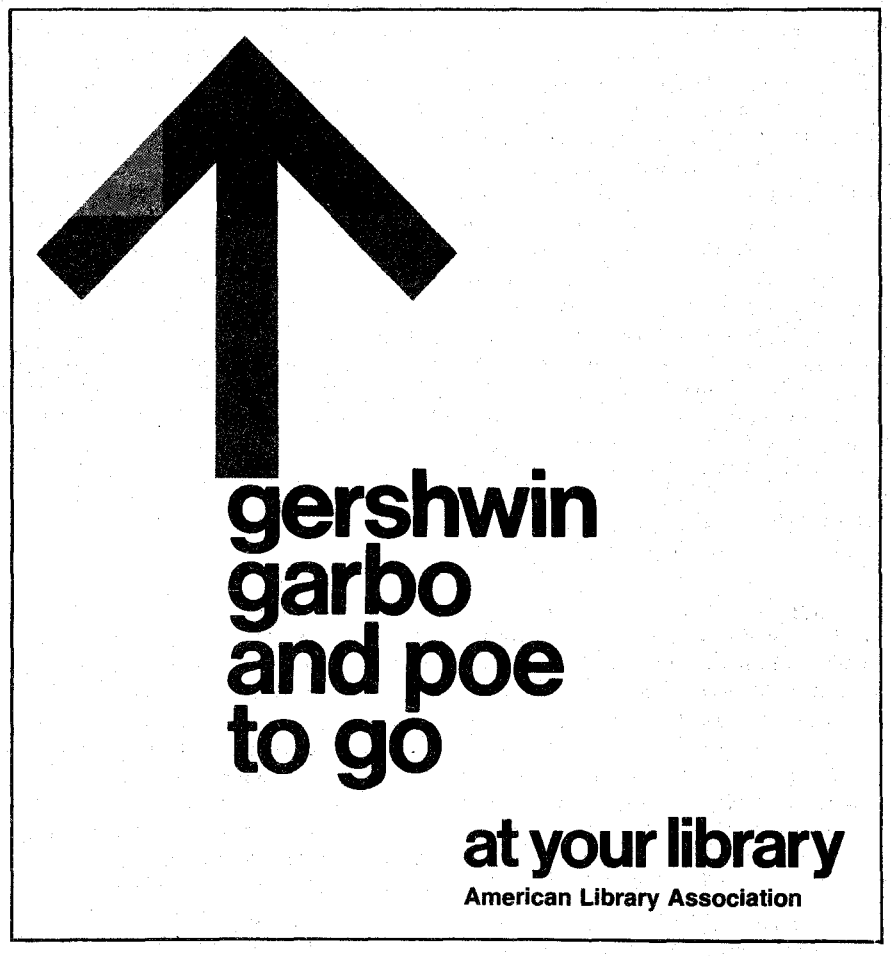
All those institutions — prisons, schools, military forces, churches, the police, hospitals, families—share a common social career, a common social engineering based in the carceral, the prison's technology set free in the city. To attempt significant change of any one without simultaneously changing all the others and the ethos that informs them all is probably as futile as boiling water from a hole near the shore.

Foucault is one of the few social analysts whose work regularly unfits readers to continue looking at things or ideas or institutions in the same way. His archaeologies uncover architectures that make sensible order of what previously seemed sloppiness or incompetence or foolishness or malevolence. One finishes *Discipline and Punish* burdened with new insight and old despair: the problems are as serious as one thought, but the reasons far more complex, the solutions far more distant. Foucault's magisterial conclusion (the sense is slightly garbled in the English version because the translator, for some bizarre reason, promoted a footnote and made it the book's concluding paragraph) is slightly optimistic, but optimism remains difficult and distant when one understands the prison to be an institution no more special or malign than any other, and when one sees it as no less central to the workings of our society than any other. The most horrifying aspect of Foucault's investigation is this: the prison is not a failure at all; it succeeds far better than any of us previously knew or feared. □

FILMS

ROBERT HATCH

No comment on *Blue Collar* that I have seen remarks that writer/director Paul Schrader did not set the movie in Ruritania. It is about three Detroit auto workers who are employed in a plant that makes Checker cabs. Now it so happens that Checkers are built in Grand Rapids, not in Detroit, and we may take it that the workplace here shown is fictional. But it so happens also that the union hall where the men meet has hanging on its walls photographs of Walter Reuther and Leonard Woodcock, and from that we must conclude that the union they belong



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to is no fiction at all—it can only be the United Auto Workers. The credits say that the screenplay by Mr. Schrader and his collaborator, Leonard Schrader, was "suggested" by "source material" provided by Sydney A. Glass. For all I know the only thing on the minds of the people responsible for *Blue Collar* was to make as much money as possible, and I am not going to impute other, sinister motives; but given the UAW's honorable reputation in the labor movement and considering that the union local in this film is shown to traffic in illegal loans for the enrichment of its officers and to treat the rank and file with a contempt that starts at lying and extends to attempted kidnapping and murder, it would be reassuring to have the documentation pinned down a little more specifically.

The three men at the center of the story are Zeke, Jerry and Smokey (respectively, Richard Pryor, Harvey Keitel and Yaphet Kotto). Jerry is white, the other two are black; they are a trio of Dumas swashbucklers, boon companions in love and war—looking, as someone remarks, like an Oreo cookie. They are said to be superior workers and make good money, but the atmosphere of the plant is one of hysterical rage, verging on riot, and the men are childishly improvident and deep in debt, for all that Zeke and Jerry, the married ones, moonlight when they can. Zeke has innocently tried to cheat the IRS by claiming six dependent children when he has only three; Jerry, who buys on time everything TV advertises, has just been hit with his teen-age daughter's need for extensive orthodontia. With the cooperation of Smokey, who is not financially trapped but believes that a nice bit of larceny never comes amiss, they decide to crack the local's safe. It will be a lucrative form of revenge on men they hate.

In this exploit of criminal buffoonery they manage to clobber a policeman and get for their trouble an envelope of petty cash and a ledger which Zeke immediately spots as a record of loan sharking on a big scale. Seizing this opportunity with the alacrity of a bushman grabbing a high tension wire, they shift their tactics from breaking and entering to blackmailing, and the plot gets rougher. Before very long, the triumvirate is destroyed: Smokey is killed, Zeke has been "squared" by being made shop union representative, and Jerry, terrified for himself and his family, has turned himself into a sleazy FBI man who has been hanging around the bar, hoping to pin something on the exceedingly vulnerable union.

Blue Collar is patterned after the army combat movie that centers on a small group of men, dissimilar in background and temperament, who form a brotherhood of mutual respect and trust in the face of danger. In this case, they lose the war; the film ends with Smokey dead and Zeke and Jerry trying to kill each other with 10-pound wrenches. The action freezes there, as Smokey's prophetic warning is repeated: "They," he had said earlier, will stop at nothing to hold their power; "they" will set the men against their union, the poor against the rich, the blacks against the whites. Now "they" is a familiar and convenient villain, and here, as so often, one is left to speculate as to its identity. The union bosses, presumably; helped, one may suppose, by Uncle Sam's tax collectors, the FBI, the police and maybe the Mafia (the picture is visited briefly by a natty chap with a Latin accent who can make the bull-like Smokey squirm). The only thing "they" is not is the corporation for which the men work; it is never represented at a level higher than a weakly amiable shop foreman. But then *Blue Collar*, a T.A.T. Communications production, distributed by Columbia Pictures, is itself a corporate creation, and multinational gentlemen are not much given to fouling the nests of other multinational gentlemen.

Pryor, Keitel and Kotto are vivid, quick-witted and agile actors who, given the snappy, raunchy dialogue here provided, can whip up quite a foam of personality. Technically speaking, they play sympathetic parts (you root for them), but in fact they are shown to be irresponsible, dishonest, dissolute and quarrelsome. With the three of them on the floor, it is a wonder a Checker ever comes out of the shop with four wheels and a horn. (One anonymous colleague is so infected by the rancor that he demolishes a recalcitrant soft-drink machine by impaling it on a forklift.) Of course, the union—the UAW, that is—is gnawing at their bowels, and they do have the charm of bright, incorrigible little boys, which is excellent for patronizing egos in the audience, but deplorable as a picture of American labor in its native haunts. The movie gets its laughs, but the aftertaste is sour. □

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THEATRE/Harold Clurman

"No one becomes a critic out of modesty," the critic Stanley Kauffmann once said. True, but neither does any responsible critic believe himself infallible. With time and further thought—when a subject is worth it—the critic feels obliged to "correct" himself. It is important that his reader should also know this, so that he may allow himself freedom to follow his own bent. I repeat what I have also emphasized: a critic's value is not in his summary opinion but in the quality of his insights and in his capacity to stimulate the possibility of further speculation.

A classic example of what I'm speaking about is Shaw's original (1895) review of *The Importance of Being Earnest*. It was—is—a brilliant piece though as opinion it is wrong. It is brilliant because it is in effect an essay in comedy as distinct from something which is only clever and witty. But the review missed the play's tonality, keyed to fanciful satire of the English Victorian temper and manner. Shaw was wrong, too, in

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preferring the same author's *An Ideal Husband* which he had reviewed a few months earlier. *An Ideal Husband* is now all but forgotten; *The Importance of Being Earnest* endures. Years later Shaw acknowledged his "mistake," not simply from the evidence of time but by further reflection. To make *his* point, he had failed to see Wilde's.

These remarks are preparatory to a few revisions of some of my own recent observations here, which I note not because they have been challenged but because even the three or four days' consideration permitted to me as a reviewer for a weekly instead of the hour or two allowed a reviewer for a daily does not always suffice. The limited time may be altogether adequate for a wretched or nondescript performance, but for a play of genuine merit a longer period of gestation is required if a mature view is to emerge. It is this that makes journalistic reviewing "tricky." When asked immediately after the final curtain falls on opening night, "What did you think of the show?" I am always inclined to reply "I don't know till I've read *The Nation*." But sometimes the joke is on me!

In writing here about *Fefu and Her Friends* (American Place Theatre) on February 11, I said "There is constant talk—to the point of obsession—about women and sexuality." That statement has a note of irritation in it. The fact is that women and sexuality constitute the play's very subject matter and theme. The phrasing of my original statement does not appreciably alter my reaction to the play as a whole but it was misleading as to the play's essence and to my attitude toward it.

In my review of Beckett's *Footfalls* [*The Nation*: January 7-14] in an evening of three of his plays, I quoted a passage in which a mother who hears the sound of her daughter's constant pacing asks, "Will you never have done? Will you never have done—revolving it all?" The daughter answers her mother's further question as to the girl's restlessness: "Mother, this is not enough." The mother: "Not enough . . . not enough . . . what can you possibly mean . . . not enough." The daughter: "I mean, mother, that I must hear the feet, however faint they fall." The mother queries, "The motion alone is not enough?" The answer is, "No, mother, the motion alone is not enough."

This exchange is crucial to the play. My explanation was that for the daughter "life must give some reverberant evidence of being real, for the mere living of it would be an emptiness, a void." But it now occurs to me that I should have been more explicit. What Beckett implies is that the world's motion or our daily action, whatever it may be, is not enough for him. Its reality is only a faint footfall, a bleak awareness of his presence or existence. But he yearns, indeed *needs*, more than this to lend substance to his being. He wants its confirmation through that mystery of faith for which the vagrants in *Godot* are waiting. In their consciousness of its harrowing absence lies their superiority. They know they are waiting. Beckett will not say it—he is too modern for that—he in fact refuses to identify "Godot," but it is clear that the core of Beckett's spirit is that he is writing about a world from which God, however conceived, has all but disappeared. His entire work keeps "revolving" about that abyss: his plays and novels are his "footfalls."

In my recently published book *Ibsen* I state in the body of the text, "I find the first-act exposition [of *The Wild Duck*] . . . somewhat stiff and awkward," but I appended in a last-minute footnote, "I now believe I am wrong about this." My change of mind came about because it suddenly struck me that it was the usual staging of *The Wild Duck* opening scene which made it seem "stiff and awkward" and that another staging would transform it so that it would not only be acceptable but graceful.

These reconsiderations are not meant as apology or avowals of "sin" but are calculated to remind readers of the facts of the critical function and responsibility; even more especially, they are meant to emphasize that, as in music, painting, poetry or any presumed work of art, a play that is not at once recognizably negligible demands a "double think."

Even in his intellectual independence, a critic is wrong to be entirely indifferent to audience reaction. And though it behooves him to be as objective as he possibly can be (total objectivity is impossible), he must be particularly objective about his subjectivity! A critic ought to be aware and frank about his blind spots and prejudices. Stark Young had no taste for musical comedy—and knew it. At one time Kenneth Tynan declared himself averse to any play of marked religious stamp. Shaw proclaimed nearly all the Elizabethan dramatists "duffers"; he deliberately downgraded Henry Irving and blinded himself to what was splendid in Sarah Bernhardt. Max Beerbohm was obtuse about Gorky's *Lower Depths* and failed to recognize Duse's genius.

I have often enough declared my rejection of certain aspects of such masters as Strindberg, Pirandello and Beckett, just as I have shown a predisposition to be generous toward our better American playwrights, though they are barely worthy of mention in the same breath with the former. Let us proceed. . . . □

THE WALKING TREE

Waken one clear morning and look to where,
somehow, sunlight fills a gap in the vista.
There is a subtle emptiness that disturbs vision.
One was used to shade in that spot, just there,
between the blue spruce and the maple.

The grass glitters. The birds make their morning
music. All seems as though it ought to be well. Then,
another awakening: One's eyes widen inward
upon recall—what happened to the elm
you called "Greybeard," whose limbs spread along

the pane for inches upon the far hill?
It is gone . . . and then you see it, closer to
the crown, altered toward the horizon, its trunk turned
at an odder angle. You gaze. There is
no wind, yet the leaves swale as you watch.

And in the dark, under the moon, your eyes
great as moons themselves, you watch the ent walk
beyond the valley, over the crest. You can look through
earth and rock, and its leaves are green upon
the left, but on the right they are fire.

Lewis Turco

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CHOPIN: Preludes, Op. 28; Prelude, Op. 45; Prelude in A-flat, Op. posth. Martha Argerich, piano. Deutsche Grammophon 2530 721. $8.98.

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CHOPIN: *Andante Spianato and Polonaise*, Op. 22; Mazurkas, Op. 24, Nos. 1, 2, 4; Etude, Op. 10, No. 8; Preludes, Op. 28, Nos. 17 & 18; Waltz, Op. 34, No. 1; Scherzo in E major, Op. 54. Krystian Zimerman, piano. Deutsche Grammophon 2530 826. $8.98.

Martha Argerich evidently shares my conviction that the twenty-four Preludes of Chopin's Op. 28 ought to be played as a coherent sequence, for she frequently proceeds from one to the next almost without pause. This might be ascribed to sheer impetuosity—an obvious characteristic of her playing in general—but her care in making precise certain sonic equivalences between the end of one piece and the beginning of the next argues otherwise. This means, incidentally, that there are no bands between the pieces (except for the two unattached later Preludes), so it won't be easy to pick and choose among the pieces she plays very well and those she plays rather badly.

Argerich's playing is certainly vivid; it leaps from the loudspeakers and grabs you. Her energy and conviction are unquestionable, and her sense of line and direction sometimes pays high dividends, especially in the slower pieces. But others—for example, the G minor (No. 22)—are just whirling blurs of sound and fury. When she grasps the shape and diction of a piece—pulling together the gnarled bass pattern and the fragmentary melodies of the A minor (No. 2), or the syncopated ejaculations of the F minor (No. 18), among others—she is as impressive as any pianist alive, but there's rather too much unchanneled aggressiveness in many of the Preludes for this to be a satisfying performance. Little of the lightness of, say, the D major (No. 5) is present in either tone or texture; such pieces make musical sense as Argerich plays them, but fail to fill out the range and scope of the set as a whole.

Though the Preludes of Op. 28 were composed as a set, some of the other standard "groups" of Chopin—the Waltzes, Nocturnes, and Mazurkas—were not and can hardly have been intended to be played at a single sitting. On records we are so often offered these vertical slices—strings of pieces similar in rhythm, texture, even tempo (and not even chronologically sound, for the standard published sequences are often historically awry)—that the programming of Ashkenazy's record is most welcome. Not only does it make for better listening (each side groups shorter works in front of longer ones), but it illuminates the compositional concerns of Chopin's last years. The playing is admirably self-effacing, both sensible and sensitive.

Zimerman's mixed bag owes its origin to the 1975 Warsaw Chopin competition, of which he was the winner; these recordings were made at performances during the competition. The *Andante Spianato and Polonaise* is disappointing in sound—evidently from a different occasion than the other pieces—though it certainly shows off the young (then 19-year-old) pianist's fleetness. The shorter pieces are exceptional: vividly limned and sharply rhythmed; Zimerman's clean, precise tone matched by an equally firm grasp of melodic shape and harmonic change. A remarkable talent indeed. □

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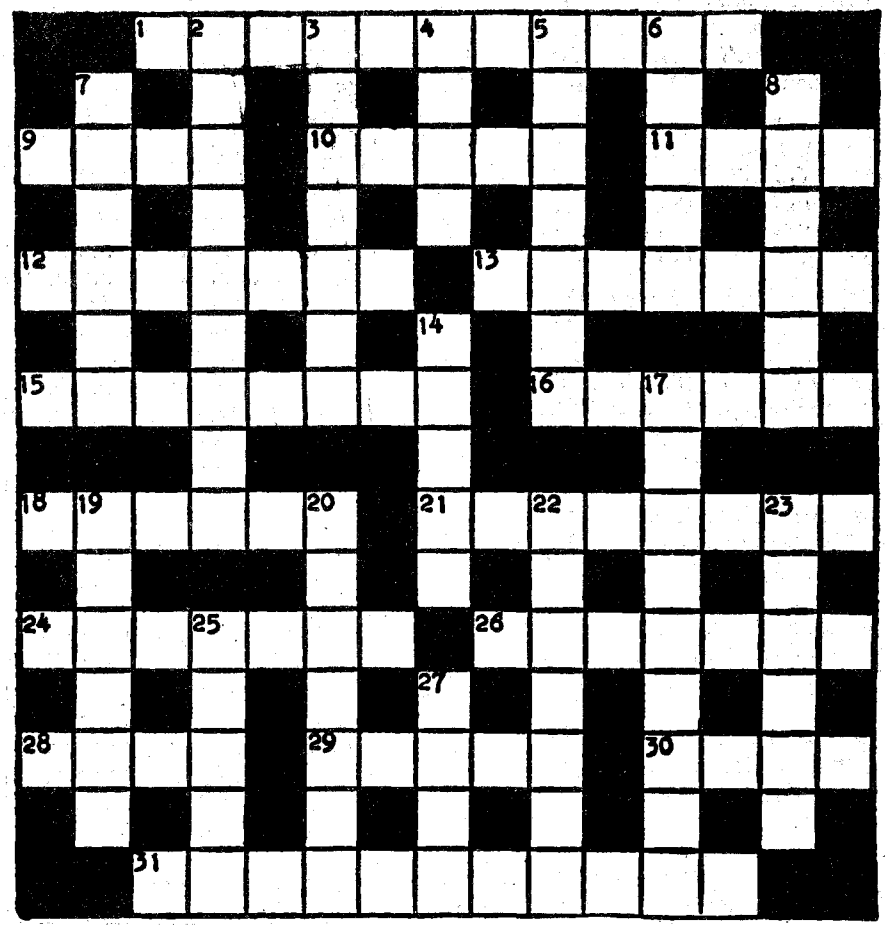

ACROSS

1 Taking the part of Hamlet's father might be a defensive maneuver. (7,4)
9 More than one such society is needed to handle sugar or ice. (4)
10 Sort of ill with current color, possibly. (5)
11 What's the big one? That's a challenge! (4)
12 Part of it is right in the drink! (7)
13 Gains a lot of weight, one possibly being associated with the war. (7)
15 Sort of toss about the wrecked ship—they'll give you all sorts of argument. (8)
16 Hold half this, Admiral! (6)
18 Cancer, for example, should be left back a little less than a century. (6)
21 Direct information with it, perhaps. (8)
24 One perhaps associates tears with such. (7)
26 Coy behavior that many pass through. (7)
28 See 3 down
29 March past with this, obviously. (5)
30 See 3 down
31 One might have to work with broken limbs and a bad heart, at times. (4,7)

DOWN

2 Certainly not a heavy cruiser—though it might have a broad beam. (9)
3, 30 and 28 Ages the skin condiiton to leave a vehicle some place out west. (11,4)
4 Well-known flower you might expect to find in line. (4)
5 and 6 A way of speaking with sign language definitions here? (12)
7 An alternative comes up with a couple of small firm synonyms, showing elaborate style. (6)
8 As he discovered, does wrong to his name. (2,4)
14 Is there an unseemly interest in it nowadays? (5)
17 Put a regular end to what might be a run-down area of the city—one might hear such a movement. (9)
19 Are mixed up in the red, but gone over again. (6)
20 A sort of shot in something the lion might be found in, but one of those things sometimes associated with kings. (7)
22 A word of warning over what might be a critical portion of the competition, but it just steps out in front. (7)
23 An old way to say "scram!" might be just a boost. (6)
25 His job calls for a lot of dough. (5)
27 Foreign lady wrapped in a fur. (4)

SOLUTION TO PUZZLE NO. 1715

ACROSS: 1 Take the helm; 9 Democrat; 11 Cloning; 12 Staying; 14 Chutes; 17 Cakewalk; 20 Dragon; 22 Flowers; 24 Ordeals; 26 Barren; 27 American; 28 Adversities. DOWN: 2, 23, 15 and 25 Around the World in Eighty Days; 3 Errands; 4 Huts; 5 Habitue; 6 Lully; 8 Hornet; 13 Sinks; 16 Grapevine; 18, 10 and 7 A clean bill of health; 19 Arrange; 20 Darkest; 21 Oil can.

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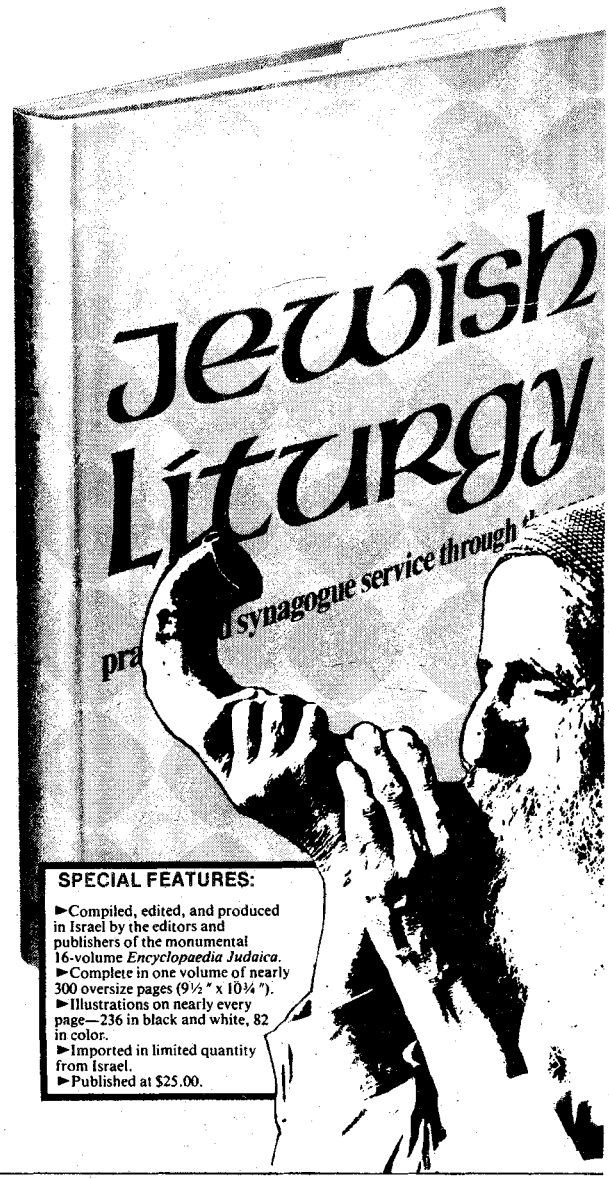
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